

trict in a board of directors and prescribing the manner of their appointment and their duties; providing for the appointment of officers, agents and employes; providing for the fiscal management of the district; preserving existing water rights to the extent provided; providing for the donation and granting by the State of Texas to the district herein created of all annual current State ad valorem taxes collected in Coke and Tom Green Counties for a period of twenty (20) years beginning September 1, 1935; providing none of the taxes herein donated shall be made available to said Authority until it shall have received a grant and/or loan and/or advancement from the United States of America of sufficient size to insure such completed system of improvement; providing an opinion from the Attorney General of Texas as to whether said grant and/or loan and/or advancement has been made shall be authority for action by any person charged with any duty contingent upon said grant and/or loan and/or advancement; prescribing the manner and methods of collecting said taxes and the payment and disbursement thereof to the District, providing that said taxes may be used for the payment and retirement of interest and sinking fund upon bonds issued for the development of the District; prescribing all necessary details to carry out the intent and purpose of this Act; making an appropriation of five thousand dollars (\$5,000) to the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

SIXTY-SECOND DAY

(Friday, May 3, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker
Adamson
Adkins

Aikin
Alexander
Alsup

Ash	Jones of Atascosa
Atchison	Jones of Falls
Beck	Jones of Runnels
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Bradford	King
Broyles	Knetsch
Burton	Lange
Butler of Brazos	Lanning
Butler of Karnes	Latham
Cagle	Leath
Caldwell	Lemens
Calvert	Leonard
Canon	Lindsey
Celaya	Lotief
Clayton	Lucas
Collins	Luker
Colquitt	Mauritz
Colson	McCalla
Cooper	McConnell
Cowley	McFarland
Craddock	McKee
Crossley	McKinney
Daniel	Moffett
Davis	Moore
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Morse
Dickison	Newton
Dunagan	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Padgett
Dwyer	Palmer
England	Patterson
Fam	Payne
Fisher	Petsch
Ford	Pope
Fox	Quinn
Frazer	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Graves	Roach of Hunt
Gray	Roane
Greathouse	Roark
Hankamer	Roberts
Hanna	Rogers
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Scarborough
Hartzog	Settle
Head	Shofner
Herzik	Smith
Hill	Spears
Hodges	Stanfield
Hofheinz	Steward
Holland	Stinson
Hoskins	Stovall
Howard	Tarwater
Huddleston	Tennyson
Hunt	Thornton
Hunter	Tillery
Hyder	Venable
Jackson	Waggoner
Jefferson	Walker

Wells	Worley
Westfall	Young
Wood of Harrison	Youngblood
Wood of Montague	

Absent—Excused

Duvall	Fitzwater
Farmer	James

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Our Heavenly Father, we are told in Thy word that the nation is blessed whose God is the Lord. May we individually and collectively not forsake Thee, but observe Thy precepts to do them, that it may be well with us and Thy name may be glorified. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Duvall for today, on motion of Mr. Calvert.

Mr. Hartzog for today and tomorrow, on motion of Mr. Knetsch.

The following members were granted leaves of absence on account of illness:

Mr. Fitzwater for today, on motion of Mr. Stovall.

Mr. James for this morning on account of illness in his family, on motion of Mr. Newton.

RELATIVE TO PROPOSED STATE INSTITUTION AT MILFORD, TEXAS

Mr. Stovall offered the following resolution:

H. C. R. No. 103, Relative to proposed State institution at Milford, Texas.

Whereas, The undersigned were heretofore appointed by the Lieutenant Governor and the Speaker of the House to make an investigation of the Presbyterian school property at Milford, Texas; and

Whereas, On the twenty-ninth of March, 1935, your committee made an investigation of said property and the facilities of the town of Milford for the accommodations of an institution proposed to be located there; and

Whereas, Said committee found conditions in all things favorable to such a location; and

Whereas, We are nearing the closing days of the Forty-fourth Regular Session of the Legislature; and

Whereas, We consider it profitable and expedient that this location and property be thoroughly investigated; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That this committee be carried over to the Forty-fifth Legislature of the State of Texas, in order to give it ample time within which to make a thorough investigation, and to make full and ample findings of all facts pertaining to this property and that said committee is authorized to investigate values on additional adjacent lands to that of the institution in question to the end that the Board of Control may secure options thereon; and be it further

Resolved, That this committee is required to make its report to the Forty-fifth Legislature, unless sooner required to do so by message of the Governor, and that said committee shall render such service without compensation, and that there shall be no expense accounts, other than travel, returnable to the Legislature for expense incurred by the individual members of this committee nor to the committee as a whole.

Respectfully submitted,

MARTIN,
BECK,
SANDERFORD,

On the part of the Senate;

VENABLE,
COWLEY,
LEMENS,
LINDSEY,
STOVALL,

On the part of the House.

The resolution was read second time, and was adopted.

Mr. Lotief moved to reconsider the vote by which House Concurrent Resolution No. 103 was adopted.

The motion to reconsider prevailed.

Mr. Lotief offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 103 by striking out all lines dealing with "traveling expenses."

Mr. Lemens offered the following substitute for the amendment by Mr. Lotief:

Substitute for Lotief amendment: Amend resolution to provide limit of "\$200 expenses."

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Question recurring on the resolution, it was adopted.

CONFERENCE COMMITTEE ON SENATE BILL NO. 369 APPOINTED

On motion of Mr. Glass, the House granted the request of the Senate for a conference committee to adjust the differences between the House and Senate on Senate Bill No. 369.

The Speaker announced the appointment of the following conference committee on Senate Bill No. 369: Messrs. Roane, Glass, Herzik, Hill, and McKinney.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Bill No. 126 by the following vote: Yeas, 28; nays, 1.

The Senate has concurred in House amendments to Senate Bill No. 257 by the following vote: Yeas, 29; nays, 0.

The Senate has concurred in House amendments to Senate Bill No. 510 by the following vote: Yeas, 26; nays, 4.

The Senate has concurred in House amendments to Senate Bill No. 326 by the following vote: Yeas, 26; nays, 3.

The Senate has concurred in House amendments to Senate Concurrent Resolution No. 43 by viva voce vote.

The Senate has refused to concur in House amendments to Senate Bill No. 179 and requests the appointment of a conference committee to adjust the differences between the two houses. The following have been appointed on the part of the Senate: Senators Poage, Redditt, Holbrook, Oneal, and Sulak.

The Senate has passed

H. B. No. 743, A bill to be entitled "An Act amending Article 1104, Article 1105, Article 1106, and Article 1111 of the Penal Code, and declaring an emergency." (With amendments.)

The Senate has refused to concur in House amendments to Senate Bill No. 162 and requests the appointment of a conference committee to adjust the differences between the two houses. The following have been appointed on the part of the Senate: Senators Collie, Beck, Martin, Sanderford, and Hopkins.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL LAID ON THE TABLE SUBJECT TO CALL

On motion of Mr. Stovall, House Bill No. 843 was laid on the table subject to call.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. B. No. 476, "An Act conferring additional powers upon navigation districts, authorizing navigation districts to charge tolls for the use of its waterways by persons using them for commercial purposes, which waterways are not owned or constructed by the United States as a navigation project; etc."

S. B. No. 496, "An Act authorizing any city of more than one hundred thousand population, according to the last preceding census, to codify and adopt a code of civil and criminal ordinances without the necessity of publication; providing for the taking effect of said code upon adoption; providing for the reception in evidence of such code when printed under the supervision of the governing body of said city and the effect of such admission in evidence, and declaring an emergency."

S. B. No. 224, "An Act to permit and authorize N. P. Turner of San Antonio, Texas, to bring and prosecute an action against the State of Texas on a certain contract; fixing the time with-

in which the same may be brought; fixing the venue thereof in Travis County, Texas; providing that any judgment recovered be paid from the State Highway Fund; providing for service of citation, and declaring an emergency."

S. B. No. 259, "An Act making certain emergency appropriations out of the General Revenue of the State of Texas, to supplement appropriations made by the Regular Session of the Forty-third Legislature for the maintenance and administration of the Judiciary, and for traveling expenses of the Judges of the Courts of Civil Appeals when on exchange of benches, to pay deficiency certificates already issued against such appropriations, and declaring an emergency."

S. B. No. 56, "An Act to amend Article 117, Chapter 6, Revised Civil Statutes of 1925, so as to eliminate compulsory inspection of fruits other than citrus, and vegetables other than potatoes; providing for the adoption of the United States grades for certain fruits and vegetables, and the promulgation of additional grades; giving the Commissioner of Agriculture authority to enter into co-operative agreements with the United States Department of Agriculture, and declaring an emergency."

S. B. No. 520, "An Act amending the subdivision of Article 199, Revised Civil Statutes of 1925, relating to the District Courts of Bexar County, being the subdivision identified by the numbers Thirty-seventh, Forty-fifth, Fifty-seventh, Seventy-third, Ninety-fourth, so as to make such subdivisions apply only to the District Courts of the Thirty-seventh, Forty-fifth; etc., and declaring an emergency."

S. B. No. 455, "An Act giving to the Fitzpatrick Construction Company permission to sue the State Highway Department of Texas and the State of Texas in an amount not to exceed four thousand six hundred thirty-five dollars and eleven cents (\$4,635.11) for an alleged breach of contract by said Department; etc., and declaring an emergency."

S. B. No. 293, "An Act making an appropriation of fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, to be used by the State

Depository Board to pay rent for safety deposit boxes rented by the Board from any bank located in the City of Austin for the purpose of depositing securities, where such obligations for rent have been incurred by the State Depository Board pursuant to Article 2530, Revised Statutes of 1925, as amended by the Acts of the Forty-third Legislature, Regular Session, or as amended by the Acts of the Forty-third Legislature, Second Called Session, and declaring an emergency."

S. B. No. 285, "An Act declaring that it was not the intention of the Forty-third Legislature of Texas in enacting Senate Bill No. 546, passed at the Regular Session of the Forty-third Legislature, or in enacting Section 7 of Senate Bill No. 546, passed at the Regular Session of the Forty-third Legislature, to provide that there should never be more than \$466,000, par value, of bonds issued out of the \$950,000, par value, of bonds authorized by the vote taken in Cameron County Water Control District."

S. C. R. No. 50, Suspending certain Joint Rules for the purpose of considering Senate Bill No. 527.

HOUSE BILL NO. 743 WITH SENATE AMENDMENTS

Mr. Rutta called up from the Speakers' table, with Senate amendments, for consideration of the amendments,

H. B. No. 743, A bill to be entitled "An Act amending Article 1104, Article 1105, Article 1106, and Article 1111 of the Penal Code, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Rutta, the House concurred in the Senate amendments by the following vote:

Yeas—117

Adamson	Caldwell
Adkins	Calvert
Alexander	Canon
Alsup	Clayton
Ash	Collins
Beck	Colquitt
Bergman	Cooper
Bourne	Craddock
Bradford	Daniel
Broyles	Davison of Fisher
Burton	Davison
Butler of Brazos	of Eastland
Butler of Karnes	Dickison
Cagle	Dunagan

Dunlap of Hays	Morris
Fain	Morrison
Fisher	Morse
Ford	Newton
Fox	Nicholson
Frazer	Olsen
Fuchs	Padgett
Gibson	Palmer
Glass	Patterson
Good	Payne
Gray	Petsch
Greathouse	Pope
Hankamer	Quinn
Hardin	Reader
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Herzik	Riddle
Hill	Roach of Angelina
Hodges	Roach of Hunt
Hofheinz	Roane
Holland	Roark
Hoskins	Roberts
Huddleston	Rogers
Hunt	Russell
Hunter	Rutta
Jackson	Scarborough
Jones of Atascosa	Settle
Jones of Falls	Smith
Jones of Runnels	Spears
Jones of Wise	Steward
King	Stinson
Knetsch	Stovall
Lanning	Tarwater
Latham	Tennyson
Lemens	Thornton
Lotief	Tillery
Luker	Venable
Mauritz	Waggoner
McCalla	Walker
McConnell	Wells
McFarland	Westfall
McKee	Wood of Harrison
McKinney	Wood of Montague
Moffett	Worley
Moore	Youngblood

Nays—1

Aikin

Absent

Atchison	Howard
Bradbury	Hyder
Celaya	Jefferson
Colson	Jones of Shelby
Cowley	Keefe
Crossley	Lange
Davis	Leath
Dunlap of Kleberg	Leonard
Dwyer	Lindsey
England	Lucas
Graves	Shofner
Hanna	Stanfield
Head	Young

Absent—Excused

Duvall	Hartzog
Farmer	James
Fitzwater	

MOTION TO TAKE UP HOUSE
BILL NO. 933

Mr. Worley moved that the regular order of business be suspended to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 933, A bill to be entitled "An Act declaring the policy of the State regarding conservation of natural gas produced in the State; defining certain terms and phrases as used in the Act; creating the Texas Gas Conservation Corporation, a body politic and corporate, as an agency of the State; creating a board of directors of the corporation, providing for their appointment, tenure, qualifications and compensation; providing for removal of any director; providing for filling vacancies on the board of directors; requiring bond of each director; defining and prescribing the powers and purposes of the corporation, and defining and prescribing the powers and duties of the board of directors thereof; exempting all the properties of and bonds issued by the corporation and the income from such bonds from all State, county, municipal and other taxation whatsoever under the laws of the State of Texas except transfer and estate taxes, etc., and declaring an emergency."

Mr. Caldwell raised a point of order on further consideration of the motion by Mr. Worley, on the ground that a motion to take up a House bill at this time is in violation of certain Joint Rule of the two houses, as there are now Senate bills pending in the House.

The Speaker sustained the point of order.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 94, Asking the Federal Government and State to co-operate in projects to help drouth-stricken areas.

H. C. R. No. 98, Requesting establishment of Civilian Conservation Corps Camps along Sulphur River. (With amendments.)

S. C. R. No. 51, Memorializing Congress to remove the Federal gasoline tax.

The Senate has passed

H. B. No. 4, A bill to be entitled "An Act to amend Chapter 210, Acts of the Regular Session of the Forty-first Legislature, empowering the State Textbook Commission to adopt a multiple list of textbooks in German and Czech languages for use in high schools; commercial arithmetic, and bookkeeping in the English language, and also other high school texts on such other subjects for use in junior high schools as may be determined by a seven-ninths vote of said Commission, and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act amending Article 879 and Article 879-b of Chapter 6, Title 13, Revised Criminal Statutes of Texas, 1925, as amended by Acts of the Fortieth Legislature, page 316, Chapter 215, and amended by Acts of the Fourth Called Session of the Forty-first Legislature, page 29, Chapter 19, providing an open season or period of time when it shall be lawful to hunt, take, or kill wild mourning doves, wild quail of all kinds and wild Mexican pheasants, or chachalaca, in the North and South Zones, as such zones are defined in Article 878 of the Revised Penal Code, etc., and declaring and emergency." (Amended.)

H. B. No. 115, A bill to be entitled "An Act to amend Article 1580, Chapter 5, Title 18, of the Revised Criminal Statutes of Texas, 1925, relating to the hours of labor on public work; repealing Article 5166, Revised Civil Statutes of Texas, 1925, and declaring an emergency." (With amendments.)

H. B. No. 166, A bill to be entitled "An Act amending Article 3832, Title 57, 1925 Revised Civil Statutes of the State of Texas, adding thereto other forms and kinds of personal property that shall be reserved to every family, exempt from attachment or execution and every other species of forced sale for the payment of debts, and declaring an emergency."

H. B. No. 178, A bill to be entitled "An Act to amend Section 1, Chapter 56, Acts of the Fortieth Legislature, Article 7589-a, Vernon's Revised Civil Statutes, respecting the diversion of the natural flow of surface waters or

permitting such diversion to continue or impound such waters or permit the impounding thereof to continue in such manner to damage property of another by the overflow of such diverted or impounded waters and providing for damages at law and in equity occasioned thereby, and providing that this Act shall in no way affect the construction and maintenance of levees or other improvements for controlling overflows and freshets in rivers, etc."

H. B. No. 270, A bill to be entitled "An Act to amend Article 1659, Chapter 6, Title 19, of the Revised Criminal Statutes of the State of Texas, 1925, relating to separate coaches for the accommodation of white and negro passengers so as to include commercial motor vehicles within the terms of the Act, and declaring an emergency."

H. B. No. 349, A bill to be entitled "An Act amending Section 6-a, Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 59, page 123, Acts of the Forty-third Legislature, Second Called Session, providing for the fees of office that may be retained by certain precinct officers, etc."

H. B. No. 426, A bill to be entitled "An Act declaring a closed season for a period of five years in which it shall be unlawful to hunt, take, or kill quail and prairie chicken in the Counties of Lipscomb and Hemphill, and fixing penalties, and declaring an emergency." (With amendment.)

H. B. No. 439, A bill to be entitled "An Act to amend Section 14, Chapter 186, Senate Bill No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, Senate Bill No. 24, passed at the Third Called Session, Forty-first Legislature, as amended by Chapter 79, Senate Bill No. 82, passed at the Fifth Called Session, Forty-first Legislature, as amended by Chapter 207, Senate Bill No. 531, passed at the Regular Session, Forty-third Legislature." (With amendment.)

H. B. No. 469, A bill to be entitled "An Act to amend Sections 34, 41, 65 (so noted in the Revised Civil Statutes of Texas), Article 199, Title 8, of the Revised Civil Statutes of Texas, and Chapter 92, General Laws of the Forty-first Legislature, Regular Ses-

sion, changing the time of holding the terms of the District Courts of the Thirty-fourth, Forty-first, and Sixty-fifth Judicial Districts of Texas, and permitting the continuing of the terms of court in Hudspeth and Culberson Counties by the court, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 496, A bill to be entitled "An Act authorizing county boards of school trustees to abolish and/or subdivide common school districts having fewer than ten scholastics and not having conducted a school for a period of five years; providing for the adjustment of bonded indebtedness and the distribution of funds; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 578, A bill to be entitled "An Act amending Article 2550 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 201, Acts of the Regular Session of the Forty-third Legislature, authorizing and providing for county depositories for county funds, etc., and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act to amend Section 10 of Chapter 42 of the Acts of the Forty-third Legislature, Regular Session, pages 49-50, amending Section 10 of Chapter 42, with reference to the salary to be paid the deputy clerk of the County Court at Law of Jefferson County; providing that if any part of this Act be declared invalid the remainder of the Act shall not be affected, and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act granting Mrs. Harriet B. Hagy, a feme sole, and Miss Geraldine Hagy, a feme sole, permission to bring suit against the State of Texas in the District Court of Collin County, Texas, for damages in the sum of \$950, alleged to have been sustained by reason of the relocation of State Highway No. 6 through their property located in Collin County, Texas, etc., and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes, 1925, as amended by Chapter 66, House Bill No. 122, of the General and Special Laws of the Forty-third Legislature, Second

Called Session, page 146, etc." (With amendment.)

H. B. No. 838, A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1937, prescribing a penalty therefor, and declaring an emergency."

H. B. No. 344, A bill to be entitled "An Act to amend Section eleven (11) of the Acts of 1927, Fortieth Legislature, Regular Session, Chapter 22, page 26, House Bill No. 80, as amended by the Acts of 1933, Forty-third Legislature, Chapter 50, page 61, Special Laws, House Bill No. 435, etc." (With amendment.)

H. B. No. 320, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, common consolidated school districts, consolidated independent school districts, county line school districts, and rural high school districts, whether created by general or special law or by county boards of trustees, etc., and declaring an emergency." (With amendment.)

H. B. No. 841, A bill to be entitled "An Act to declare a five (5) year closed season on wild fox in Palo Pinto County and making it unlawful to kill, take, or for anyone to have in his possession for barter or sale, after the passage of this Act, any wild fox or the pelts thereof; providing for a penalty for the violation of this Act, and declaring an emergency."

H. B. No. 866, A bill to be entitled "An Act to amend Article 1302, Revised Civil Statutes of Texas, 1925, by adding a new section, to be known as 95-b, to provide for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of cleaning, pressing, and dyeing clothing and other materials, and declaring an emergency." (With amendment.)

H. B. No. 312, A bill to be entitled "An Act to amend Article 4758 of the Revised Civil Statutes of 1925, providing for the deposit of securities, or the payment of taxes, fines, penalties, certificates of authority, valuation of policies, licenses, fees, or any other special burden by an insurance corporation, fraternal beneficiary so-

ciety or reciprocal exchange organized in a State, the laws of which require similar deposits in said State by similar companies organized under the laws of the State of Texas and transacting business in said State, etc."

H. B. No. 902, A bill to be entitled "An Act amending Article 1058 under Title 15 of the Code of Criminal Procedure, Revised Statutes of 1925, et seq.; increasing the salaries of bailiffs or deputy sheriffs in certain counties for service as grand jury bailiff or as deputy sheriff, etc., and declaring an emergency." (With amendment.)

H. B. No. 911, A bill to be entitled "An Act providing that it shall be unlawful to take or kill squirrel in Cherokee County during certain months; providing penalty for the violation thereof, and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act amending Section or Subdivision 102 of Article 199 of the Revised Civil Statutes of Texas of 1925, as amended by the Forty-third Legislature, Regular Session, Chapter 253, page 885, and changing the times of holding the terms of court of the District Court of the One Hundred and Second Judicial District of Texas; etc., and declaring an emergency."

H. B. No. 912, A bill to be entitled "An Act prohibiting taking, killing, or possessing wild foxes for the purpose of barter or sale, providing a penalty for the violation thereof, in certain counties, and declaring an emergency."

H. B. No. 936, A bill to be entitled "An Act making it unlawful to take squirrels in Washington County at any time other than during the months of May, June, July, October, November, and December, or to take more than ten squirrels in one day or to possess more than twenty squirrels at one time; providing a penalty; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 946, A bill to be entitled "An Act to amend Section 4, Senate Bill No. 9, Chapter 5, Acts Second Called Session, Forty-third Legislature, and Senate Bill No. 118, Regular Session, Forty-fourth Legislature, and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act amending Section or Subdivision 5 of Article 199 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-third Legislature, Regular Session, Chapter 254, page 887, and changing the times of holding the terms of court of the District Court of the Fifth Judicial District of Texas; etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO SUSPEND CERTAIN JOINT RULES

Mr. Worley offered the following resolution:

H. C. R. No. 106, To suspend certain Joint Rules for the purpose of considering House Bill No. 933.

Be it resolved by the House of Representatives, the Senate concurring, That the Rules Nos. 22, 23 and 32 of the Joint Rules of the House and Senate be, and the same are hereby, suspended in order that the House may take up and consider, until disposed of, House Bill No. 933.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—73

Alexander	Graves
Alsup	Greathouse
Beck	Harris of Archer
Bourne	Head
Bradbury	Herzik
Bradford	Hofheinz
Cagle	Holland
Calvert	Howard
Clayton	Hunt
Cowley	Hunter
Craddock	Jones of Runnels
Crossley	Jones of Shelby
Daniel	Jones of Wise
Davison of Fisher	Keefe
Davisson	King
of Eastland	Lange
Dickison	Lanning
England	Lemens
Fain	Lindsey
Fisher	Lucas
Ford	Luker
Fox	Mauritz
Gibson	McFarland
Glass	Moffett

Moore	Rutta
Morris	Settle
Morrison	Spears
Padgett	Stanfield
Patterson	Tennyson
Payne	Thornton
Petsch	Tillery
Quinn	Walker
Reader	Wells
Reed of Bowie	Westfall
Reed of Dallas	Wood of Montague
Roark	Worley
Rogers	Youngblood
Russell	

Nays—57

Adamson	Hoskins
Adkins	Huddleston
Aikin	Hyder
Ash	Jackson
Atchison	Jefferson
Bergman	Jones of Atascosa
Broyles	Jones of Falls
Burton	Knetsch
Butler of Karnes	Latham
Caldwell	Lotief
Canon	McCalla
Celaya	McConnell
Collins	McKee
Colquitt	McKinney
Cooper	Newton
Davis	Nicholson
Dunagan	Riddle
Dunlap of Hays	Roach of Hunt.
Dunlap of Kleberg	Roberts
Dwyer	Scarborough
Frazer	Shofner
Fuchs	Smith
Hankamer	Stinson
Hanna	Stovall
Hardin	Venable
Harris of Dallas	Waggoner
Hartzog	Wood of Harrison
Hill	Young
Hodges	

Absent

Butler of Brazos	Olsen
Colson	Palmer
Good	Pope
Gray	Roach of Angelina
Leath	Roane
Leonard	Steward
Morse	Tarwater

Absent—Excused

Duvall	Fitzwater
Farmer	James

**BILL AND RESOLUTIONS
SIGNED BY THE
SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had

been read severally, the following enrolled bill and resolutions:

H. B. No. 704, "An Act authorizing any city having a population of more than one hundred and sixty thousand (160,000) inhabitants to own, operate, and maintain, construct, improve, and enlarge an airport and for such purpose to borrow money and issue warrants payable from taxation and further payable from the revenues of such airport; providing the form and contents of such warrants; limiting the amount of warrants which may be issued by any city to not more than one hundred and twenty-five thousand dollars (\$125,000); providing that no election shall be necessary to authorize such warrants, but that the city shall comply with the provisions of Chapter 163, Acts of the Forty-second Legislature, etc., and declaring an emergency."

H. C. R. No. 104, Suspending certain Joint Rules for the purpose of considering House Bill No. 27.

H. C. R. No. 102, Providing for adjournment sine die.

H. J. R. No. 9, Proposing an amendment to Section 26 of Article III of the Constitution of Texas, by adding thereto Section 26-a, providing that under no apportionment shall any county be entitled to more than seven Representatives unless the population of such county shall exceed seven hundred thousand people, etc.

HOUSE BILL NO. 71 WITH SENATE AMENDMENTS

Mr. Dunagan called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 71, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation of operator's and chauffeur's licenses under certain conditions, forbidding driving by persons without licenses, providing penalty; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Dunagan moved that the House concur in the Senate amendments.

Mr. Bradbury moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the House and the Senate on the bill.

Mr. Harris of Dallas moved to table the motion by Mr. Bradbury.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Adamson	Jackson
Ash	Jones of Atascosa
Atchison	Jones of Falls
Bergman	Knetsch
Bradford	Leath
Cagle	Lemens
Caldwell	McCalla
Canon	McFarland
Celaya	McKee
Clayton	Moore
Collins	Morris
Colquitt	Morse
Cooper	Newton
Cowley	Padgett
Daniel	Patterson
Davis	Petsch
Davisson	Quinn
of Eastland	Reader
Dickison	Reed of Dallas
Dunagan	Riddle
Dwyer	Roach of Angelina
England	Roark
Fisher	Russell
Ford	Rutta
Fox	Scarborough
Frazer	Settle
Fuchs	Shofner
Hankamer	Smith
Hanna	Spears
Harris of Dallas	Steward
Herzik	Stinson
Hill	Thornton
Hodges	Waggoner
Hofheinz	Westfall
Holland	Youngblood
Hunter	

Nays—54

Adkins	Fain
Aikin	Gibson
Alsup	Glass
Beck	Graves
Bourne	Greathouse
Bradbury	Hardin
Broyles	Harris of Archer
Burton	Head
Butler of Karnes	Hoskins
Craddock	Huddleston
Crossley	Hunt
Davison of Fisher	Jones of Runnels

Jones of Shelby
Jones of Wise
Keefe
King
Lanning
Latham
Lindsey
Lotief
Lucas
Mauritz
McConnell
Moffett
Morrison
Palmer
Payne

Pope
Reed of Bowie
Roach of Hunt
Roberts
Rogers
Stanfield
Stovall
Tarwater
Tennyson
Tillery
Venable
Walker
Wells
Wood of Harrison
Wood of Montague

Absent

Alexander	Jefferson
Butler of Brazos	Lange
Calvert	Leonard
Colson	Luker
Dunlap of Hays	McKinney
Dunlap of Kleberg	Nicholson
Good	Olsen
Gray	Roane
Howard	Worley
Hyder	Young

Absent—Excused

Duvall	Hartzog
Farmer	James
Fitzwater	

Mr. Alsup moved to table the motion by Mr. Dunagan to concur in the Senate amendments to House Bill No. 71.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—50

Adkins	Huddleston
Aikin	Jones of Runnels
Alsup	Jones of Shelby
Beck	Keefe
Bourne	King
Bradbury	Lanning
Broyles	Latham
Butler of Karnes	Lindsey
Craddock	Lotief
Crossley	Lucas
Daniel	Mauritz
Davison of Fisher	McConnell
Fain	Moffett
Gibson	Palmer
Glass	Pope
Greathouse	Reed of Bowie
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Head	Roberts
Herzik	Rutta
Hodges	Stanfield

Stovall	Walker
Tarwater	Wood of Harrison
Tillery	Wood of Montague
Venable	Worley

Nays—81

Adamson	Jones of Atascosa
Ash	Jones of Falls
Atchison	Jones of Wise
Bergman	Knetsch
Bradford	Leath
Burton	Lemens
Caldwell	Luker
Calvert	McCalla
Canon	McFarland
Celaya	McKee
Clayton	McKinney
Collins	Moore
Colquitt	Morris
Cooper	Morrison
Cowley	Morse
Davisson	Newton
of Eastland	Nicholson
Dickison	Padgett
Dunagan	Patterson
Dunlap of Hays	Payne
Dunlap of Kleberg	Petsch
Dwyer	Quinn
England	Reader
Fisher	Reed of Dallas
Ford	Riddle
Fox	Roane
Frazer	Roark
Fuchs	Russell
Good	Scarborough
Graves	Settle
Hankamer	Shofner
Hanna	Smith
Harris of Dallas	Spears
Hill	Steward
Hofheinz	Stinson
Holland	Tennyson
Hoskins	Thornton
Howard	Waggoner
Hunter	Wells
Hyder	Westfall
Jackson	Youngblood

Absent

Alexander	Jefferson
Butler of Brazos	Lange
Cagle	Leonard
Colson	Olsen
Davis	Rogers
Gray	Young
Hunt	

Absent—Excused

Duvall	Hartzog
Farmer	James
Fitzwater	

Mr. Fain moved that further consideration of the motion by Mr. Dunagan be postponed until 10 o'clock a. m., Saturday, May 11.

Mr. Westfall moved to table the motion to postpone the bill.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—79

Adamson	Jackson
Ash	Jones of Atascosa
Atchison	Jones of Falls
Bergman	Jones of Wise
Bradford	Knetsch
Burton	Lange
Cagle	Lemens
Caldwell	McCalla
Calvert	McFarland
Canon	McKee
Celaya	McKinney
Clayton	Moffett
Collins	Moore
Colquitt	Morris
Cooper	Morrison
Cowley	Morse
Davisson	Nicholson
of Eastland	Padgett
Dickison	Patterson
Dunagan	Payne
Dunlap of Hays	Quinn
Dunlap of Kleberg	Reader
Dwyer	Reed of Dallas
England	Riddle
Fisher	Roark
Ford	Russell
Fox	Scarborough
Fuchs	Settle
Good	Shofner
Graves	Smith
Hankamer	Spears
Hanna	Steward
Harris of Dallas	Stinson
Hill	Tennyson
Hofheinz	Thornton
Holland	Waggoner
Hoskins	Walker
Howard	Westfall
Hunter	Young
Hyder	Youngblood

Nays—57

Adkins	Fain
Ajkin	Frazer
Alsup	Gibson
Beck	Glass
Bourne	Greathouse
Bradbury	Hardin
Broyles	Harris of Archer
Butler of Karnes	Head
Colson	Herzik
Craddock	Hodges
Crossley	Huddleston
Daniel	Hunt
Davis	Jones of Runnels
Davison of Fisher	Jones of Shelby

Keefe	Reed of Bowie
King	Roach of Hunt
Lanning	Roberts
Latham	Rogers
Lindsey	Rutta
Lotief	Stanfield
Lucas	Stovall
Luker	Tarwater
Mauritz	Tillery
McConnell	Venable
Newton	Wells
Olsen	Wood of Harrison
Palmer	Wood of Montague
Petsch	Worley
Pope	

Absent

Alexander	Leath
Butler of Brazos	Leonard
Gray	Roach of Angelina
Jefferson	Roane

Absent—Excused

Duvall	Hartzog
Farmer	James
Fitzwater	

Mr. Walker moved that Section 7, of Rule XIII, of the House Rules, be suspended at this time for the purpose of making a motion to reconsider the vote by which the motion by Mr. Bradbury, that the House refuse to concur in Senate amendments to House Bill No. 71 and request the appointment of a conference committee, was tabled.

The motion of Mr. Walker was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—74

Adkins	Graves
Aikin	Greathouse
Alsup	Hardin
Ash	Harris of Archer
Beck	Head
Bourne	Herzik
Bradbury	Hodges
Broyles	Huddleston
Burton	Hunt
Butler of Karnes	Jones of Runnels
Cagle	Jones of Shelby
Colson	Jones of Wise
Craddock	Keefe
Crossley	King
Daniel	Knetsch
Davis	Lange
Davisson	Lanning
of Eastland	Latham
England	Leath
Fain	Lindsey
Fisher	Lotief
Gibson	Lucas
Good	Luker

Mauritz	Roberts
McConnell	Russell
Moffett	Rutta
Morris	Stanfield
Morrison	Stovall
Newton	Tarwater
Olsen	Tennyson
Palmer	Tillery
Payne	Venable
Pope	Walker
Quinn	Wells
Reed of Bowie	Wood of Harrison
Roach of Angelina	Wood of Montague
Roach of Hunt	Worley
Roark	

Nays—58

Adamson	Hoskins
Alexander	Howard
Atchison	Hunter
Bergman	Hyder
Bradford	Jackson
Caldwell	Jones of Atascosa
Calvert	Jones of Falls
Canon	Lemens
Clayton	McCalla
Collins	McFarland
Colquitt	McKee
Cooper	Moore
Cowley	Morse
Davison of Fisher	Nicholson
Dickison	Patterson
Dunagan	Petsch
Dunlap of Hays	Reader
Dwyer	Reed of Dallas
Ford	Riddle
Fox	Scarborough
Frazer	Settle
Fuchs	Shofner
Hankamer	Smith
Hanna	Spears
Harris of Dallas	Steward
Hartzog	Thornton
Hill	Waggoner
Hofheinz	Westfall
Holland	Youngblood

Absent

Butler of Brazos	McKinney
Celaya	Padgett
Dunlap of Kleberg	Roane
Glass	Rogers
Gray	Stinson
Jefferson	Young
Leonard	

Absent—Excused

Duvall	Fitzwater
Farmer	James

Question recurring on the motion by Mr. Dunagan to concur in the Senate amendments to House Bill No. 71, yeas and nays were demanded.

The roll of the House was called,

and the vote announced as follows:
Yeas, 71; nays, 64.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was then called, and the verified vote announced as follows:

Yeas—70

Adamson	Jones of Wise
Alexander	Knetsch
Atchison	Leath
Bradford	Lemens
Caldwell	McCalla
Calvert	McFarland
Celaya	McKee
Clayton	Moore
Collins	Morrison
Colquitt	Morse
Cooper	Newton
Cowley	Nicholson
Davisson	Padgett
of Eastland	Patterson
Dickison	Payne
Dunagan	Quinn
Dunlap of Hays	Reader
Dwyer	Reed of Dallas
Fisher	Riddle
Ford	Roane
Fox	Roark
Frazer	Russell
Fuchs	Scarborough
Graves	Settle
Hankamer	Shofner
Hanna	Spears
Harris of Dallas	Steward
Hill	Stinson
Hofheinz	Stovall
Holland	Thornton
Hoskins	Waggoner
Howard	Walker
Hunter	Westfall
Hyder	Young
Jackson	Youngblood
Jones of Falls	

Nays—63

Adkins	England
Aikin	Fain
Alsup	Gibson
Ash	Glass
Beck	Good
Bourne	Greathouse
Bradbury	Hardin
Broyles	Harris of Archer
Burton	Head
Butler of Karnes	Herzik
Cagle	Hodges
Canon	Huddleston
Colson	Hunt
Craddock	Jones of Runnels
Crossley	Jones of Shelby
Daniel	Keefe
Davis	King
Davison of Fisher	Lanning

Latham	Roach of Angelina
Lindsey	Roach of Hunt
Lotief	Roberts
Lucas	Rutta
Luker	Stanfield
Mauritz	Tarwater
McConnell	Tennyson
Moffett	Tillery
Morris	Venable
Olsen	Wells
Palmer	Wood of Harrison
Petsch	Wood of Montague
Pope	Worley
Reed of Bowie	

Absent

Bergman	Lange
Butler of Brazos	Leonard
Dunlap of Kleberg	McKinney
Gray	Rogers
Jefferson	Smith
Jones of Atascosa	

Absent—Excused

Duvall	Hartzog
Farmer	James
Fitzwater	

The Speaker announced that the motion to concur in the Senate amendments to House Bill No. 71 prevailed.

Mr. Hanna moved to reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 71, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:
Yeas, 67; nays, 69.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was then called and the verified vote announced as follows:

Yeas—68

Adamson	Dickison
Alexander	Dunagan
Atchison	Dunlap of Hays
Bradford	Dwyer
Cagle	Fisher
Caldwell	Ford
Calvert	Fox
Celaya	Frazer
Clayton	Good
Collins	Hankamer
Colson	Hanna
Cooper	Harris of Dallas
Cowley	Hill
Davisson	Hofheinz
of Eastland	Holland

Hoskins	Petsch
Howard	Quinn
Hunter	Reader
Hyder	Reed of Dallas
Jackson	Riddle
Jones of Falls	Roane
Knetsch	Roark
Leath	Russell
Lemens	Scarborough
McCalla	Settle
McFarland	Smith
McKee	Spears
Moore	Steward
Morris	Stinson
Morse	Thornton
Newton	Waggoner
Nicholson	Westfall
Padgett	Young
Patterson	Youngblood
Payne	

Nays—68

Adkins	Jones of Wise
Aikin	Keefe
Alsup	King
Ash	Lange
Beck	Lanning
Bourne	Latham
Bradbury	Lindsey
Broyles	Lotief
Burton	Lucas
Butler of Karnes	Luker
Canon	Mauritz
Craddock	McConnell
Crossley	Moffett
Daniel	Morrison
Davison of Fisher	Olsen
Dunlap of Kleberg	Palmer
England	Pope
Fain	Reed of Bowie
Fuchs	Roach of Angelina
Gibson	Roach of Hunt
Glass	Roberts
Graves	Rutta
Gray	Shofner
Greathouse	Stanfield
Hardin	Stovall
Harris of Archer	Tarwater
Head	Tennyson
Hersik	Tillery
Hodges	Venable
Huddleston	Walker
Hunt	Wells
Jones of Atascosa	Wood of Harrison
Jones of Runnels	Wood of Montague
Jones of Shelby	Worley

Absent

Bergman	Jefferson
Butler of Brazos	Leonard
Colquitt	McKinney
Davis	Rogers

Absent—Excused

Duvall	Hartzog
Farmer	James
Fitzwater	

The Speaker announced that the motion to table was lost.

Question—Shall the motion to reconsider the vote by which the House concurred in Senate amendments to House Bill No. 71 prevail?

Reason for Vote

While I strongly favor regulation of traffic on our public highways and the enforcement of all laws relative thereto to the end that lives and property may be protected, I voted against House Bill No. 71, the Drivers' License Bill, as substituted by the Senate, because we have on the statute books today penal laws, if enforced, sufficient to remedy the conditions sought to be remedied by the bill. Further, I do not believe it justifies the inconvenience and added expense the law would put the masses of the law-abiding citizens of Texas to.

RUTTA.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on Senate Bill No. 146 by the following vote: Yeas, 29; nays, 1.

The Senate has refused to concur in House amendments to Senate Bill No. 17, and requests the appointment of a conference committee to adjust the differences between the two houses. The following have been appointed on the part of the Senate: Senators Collie, Poage, Oneal, Burns, and Cotten.

The Senate has refused to concur in House amendments to Senate Bill No. 42 and requests the appointment of a conference committee to adjust the differences between the two houses. The following have been appointed on the part of the Senate: Senators Rawlings, Small, Hopkins, Van Zandt, and Cotten.

The Senate has passed

H. B. No. 200, A bill to be entitled "An Act to amend Article 211 of Title 5, of the Revised Criminal Statutes of 1925, and declaring an emergency."

The Senate has concurred in House amendments to Senate Bill No. 341 by the following vote: Yeas, 29; nays, 1.

Respectfully,
BOB BARKER,
Secretary of the Senate.

RECESS

Mr. Hanna moved that the House recess to 2 o'clock p. m., today.

Mr. Lemens moved that the House recess to 2:30 o'clock p. m., today.

Question recurring on the motion by Mr. Hanna, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—55

Aikin	Lange
Alsup	Lucas
Bourne	McCalla
Bradford	McConnell
Burton	McFarland
Butler of Karnes	Moore
Calvert	Newton
Clayton	Nicholson
Craddock	Palmer
Crossley	Patterson
Daniel	Petsch
Dunlap of Hays	Pope
England	Reader
Ford	Reed of Dallas
Fox	Roach of Hunt
Fuchs	Roane
Good	Roberts
Graves	Russell
Hanna	Rutta
Harris of Dallas	Shofner
Herzik	Smith
Hodges	Thornton
Huddleston	Westfall
Jackson	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Young
Keefe	Youngblood
Knetsch	

Nays—71

Adamson	Davis
Adkins	Davison of Fisher
Alexander	Davison
Ash	of Eastland
Atchison	Dickison
Bradbury	Dunagan
Broyles	Fain
Caldwell	Fisher
Canon	Frazer
Celaya	Gibson
Collins	Glass
Cooper	Gray
Cowley	Hankamer

Hardin	Morris
Harris of Archer	Morrison
Hill	Morse
Hofheinz	Olsen
Holland	Padgett
Hoskins	Payne
Hunt	Quinn
Hunter	Reed of Bowie
Hyder	Roach of Angelina
Jones of Falls	Roark
Jones of Runnels	Scarborough
King	Settle
Lanning	Spears
Latham	Steward
Leath	Stinson
Lemens	Stovall
Lindsey	Tarwater
Lotief	Tennyson
Luker	Venable
Mauritz	Waggoner
McKee	Walker
McKinney	Wells
Moffett	Worley

Absent

Beck	Head
Bergman	Howard
Butler of Brazos	Jefferson
Cagle	Jones of Atascosa
Colquitt	Leonard
Colson	Riddle
Dunlap of Kleberg	Rogers
Dwyer	Stanfield
Greathouse	Tillery

Absent—Excused

Duvall	Hartzog
Farmer	James
Fitzwater	

Question then recurring on the motion by Mr. Lemens, it prevailed, and the House, accordingly, at 12:30 o'clock p. m., took recess to 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Joint Resolution No. 14 by the following vote: Yeas, 24; nays, 6.

The Senate has adopted conference committee report on House Bill No. 779 by the following vote: Yeas, 25; nays, 5.

The Senate has passed

H. B. No. 749, A bill to be entitled "An Act amending Section 1, Section 2, Section 4, Section 5, Section 6, Section 7, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 15, House Bill No. 247, Chapter 44, General Laws of the Regular Session of the Forty-third Legislature, and providing that venue of criminal prosecution shall be in Travis County or in the county where an offense is committed; providing that conviction may be had upon the uncorroborated testimony of an accomplice, etc." (With amendments.)

S. B. No. 114, A bill to be entitled "An Act amending Article 7319, Article 7320, Article 7321, Article 7323, Article 7324; providing for the transfer of tax liens and making said liens eligible for investment; amending Article 7329; inserting a new article to be known as Article 7329-a, providing for the institution of suit by the owner of any real estate sold for taxes under provisions of this Act; amending Article 7330, Article 7283; providing for the appointment of a deputy delinquent tax collector; fixing his bond; providing for his compensation."

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 486 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 486, A bill to be entitled "An Act providing that a deplorable condition existing in that area of the State, included in the Counties of Loving, Reeves, Ward, and Pecos, has produced a condition which is declared to be a public calamity, and making a grant of funds to Red Bluff Water Power Control District, to provide funds to construct a large storage reservoir on the Pecos River for irrigation of the lands within such district and the construction of a hydroelectric plant, and providing for the conditions for the payment in handling such funds, the time of payment thereof, and providing all of the net amounts of the annual current State

ad valorem taxes that may be collected from the property and from persons in said Counties of Loving, Reeves, Ward, and Pecos, which would otherwise go into the General Revenue Fund of the State of Texas (including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law), and providing that the amount so granted shall not exceed in any one year the total sum of sixty thousand dollars (\$60,000); etc., and declaring an emergency."

The bill was read third time.

Mr. Alsup raised a point of order on further consideration of House Bill No. 486, on the ground that the bill, if enacted into law, would be unconstitutional as no public calamity exists in the counties named in the bill.

The Speaker overruled the point of order.

House Bill No. 486 was then passed by the following vote:

Yeas—64

Adkins	King
Bradford	Lanning
Cagle	Lemens
Calvert	Lindsey
Celaya	Lucas
Clayton	Mauritz
Collins	McConnell
Davison of Fisher	McFarland
Dickison	McKee
Dunagan	McKinney
Fox	Moore
Frazer	Morse
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Graves	Pope
Gray	Quinn
Hankamer	Reader
Harris of Dallas	Reed of Dallas
Head	Roane
Herzik	Rutta
Hill	Shofner
Hodges	Spears
Hofheinz	Steward
Holland	Stinson
Hoskins	Tarwater
Hyder	Thornton
Jackson	Wells
James	Westfall
Jones of Runnels	Worley
Jones of Shelby	Young
Jones of Wise	Youngblood

Nays—44

Adamson	Alexander
Aikin	Alsup

Atchison	Jones of Falls
Beck	Keefe
Bergman	Knetsch
Bourne	Latham
Bradbury	Lotief
Broyles	McCalla
Burton	Moffett
Butler of Karnes	Morris
Canon	Morrison
Colquitt	Reed of Bowie
Cooper	Roach of Hunt
Craddock	Roark
Crossley	Roberts
Daniel	Stovall
Davisson	Tennyson
of Eastland	Tillery
Fain	Venable
Hardin	Waggoner
Harris of Archer	Wood of Harrison
Hunter	Wood of Montague
Jones of Atascosa	

Absent

Ash	Lange
Butler of Brazos	Leath
Caldwell	Leonard
Colson	Luker
Cowley	Newton
Davis	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Padgett
Dwyer	Petsch
England	Riddle
Fisher	Roach of Angelina
Ford	Rogers
Good	Russell
Greathouse	Scarborough
Hanna	Settle
Howard	Smith
Huddleston	Stanfield
Hunt	Walker
Jefferson	

Absent—Excused

Duvall	Fitzwater
Farmer	Hartzog

Mr. Reader moved to reconsider the vote by which House Bill No. 486 was passed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
Austin, Texas, May 3, 1935.

To the Members of the House of the
Forty-fourth Legislature:

I have vetoed and am returning herewith House Bill No. 973.

I am vetoing this bill at the request of the author of the measure, Hon. W. W. Glass.

Respectfully,
JAMES V. ALLRED,
Governor of Texas.

REQUEST OF SENATE GRANTED

On motion of Mr. Lemens, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the House and Senate on Senate Bill No. 42.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on Senate Bill No. 42: Messrs. Lemens, Patterson, Hankamer, Gray, and Atchison.

HOUSE BILL NO. 320 WITH SENATE AMENDMENTS.

Mr. Lemens called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 320, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, common consolidated school districts, consolidated independent school districts, county line school districts, and rural high school districts, whether created by general or special law or by county boards of trustees, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Lemens moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on House Bill No. 320: Messrs. Lemens, Petsch, Rogers, Lanning and Colson.

REQUEST OF SENATE GRANTED

On motion of Mr. Tennyson, the House granted the request of the

Senate for the appointment of a conference committee to adjust the differences between the House and Senate on Senate Bill No. 179.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on Senate Bill No. 179: Messrs. Tennyson, Aikin, Alexander, Keefe, and Harris of Archer.

HOUSE CONCURRENT RESOLUTION NO. 98 WITH SENATE AMENDMENTS

Mr. Reed of Bowie called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 98, Requesting establishment of CCC camps along certain river.

The Speaker laid the resolution before the House, with the Senate amendments.

On motion of Mr. Reed of Bowie, the House concurred in the Senate amendments.

TO SUSPEND CERTAIN JOINT RULES

Mr. Worley offered the following resolution:

H. C. R. No. 107, To suspend certain Joint Rules for the purpose of considering House Bill No. 933.

Be it resolved by the House of Representative, the Senate concurring, That Rules Nos. 22, 23, and 32, of the Joint Rules of the House and the Senate be, and the same are hereby, suspended in order that the House may take up and consider, until disposed of, House Bill No. 933.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—72

Alexander	Collins
Alsup	Craddock
Beck	Crossley
Bourne	Daniel
Bradbury	Davison of Fisher
Cagle	Davison
Calvert	of Eastland
Clayton	Dickison

England	Olsen
Fain	Padgett
Fisher	Palmer
Fox	Patterson
Gibson	Payne
Glass	Petsch
Graves	Quinn
Greathouse	Reader
Harris of Dallas	Reed of Dallas
Head	Roark
Herzik	Rogers
Hofheinz	Russell
Holland	Rutta
Hunter	Settle
Jones of Runnels	Spears
Jones of Shelby	Stanfield
Jones of Wise	Stinson
Keefe	Tarwater
King	Tennyson
Lange	Thornton
Lanning	Tillery
Lemens	Waggoner
Lucas	Walker
Luker	Westfall
Mauritz	Wood of Harrison
McFarland	Wood of Montague
Moffett	Worley
Moore	Youngblood
Morris	

Nays—53

Adamson	Hyder
Adkins	Jackson
Aikin	James
Ash	Jones of Atascosa
Atchison	Jones of Falls
Bergman	Knetsch
Broyles	Latham
Burton	Lotief
Butler of Karnes	McCalla
Caldwell	McConnell
Canon	McKee
Celaya	McKinney
Colquitt	Morse
Colson	Newton
Cooper	Nicholson
Davis	Pope
Dunlap of Hays	Reed of Bowie
Frazier	Roach of Angelina
Fuchs	Roach of Hunt
Gray	Roberts
Hankamer	Shofner
Hanna	Smith
Hardin	Stovall
Hill	Venable
Hodges	Wells
Hoskins	Young
Huddleston	

Absent

Bradford	Good
Butler of Brazos	Harris of Archer
Cowley	Howard
Dunagan	Hunt
Dunlap of Kleberg	Jefferson
Dwyer	Leath
Ford	Leonard

Lindsey
Morrison
Riddle

Roane
Scarborough
Steward

Absent—Excused

Duvall
Farmer

Fitzwater
Hartzog

CONFERENCE COMMITTEE ON HOUSE BILL NO. 71 AP- POINTED

Mr. Alsup asked unanimous consent of the House that the House refuse to concur in Senate amendments to House Bill No. 71 and that a conference committee be requested to adjust the differences between the House and Senate.

There was no objection offered, and it was so ordered.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on House Bill No. 71: Messrs. Dunagan, Harris of Dallas, Cooper, Pope, and Walker.

HOUSE BILL NO. 115 WITH SEN- ATE AMENDMENTS

Mr. Roark called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 115, A bill to be entitled "An Act to amend Article 1580, Chapter 5, Title 18, of the Revised Criminal Statutes of Texas, 1925, relating to the hours of labor on public work; repealing Article 5166, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Roark, the House concurred in the Senate amendments.

CONFERENCE COMMITTEE RE- PORT ON SENATE JOINT RESOLUTION NO. 6

Mr. Wood of Harrison submitted the following conference committee report on Senate Joint Resolution No. 6:

Committee Room,

Austin, Texas, May 2, 1935.

Hon. Walter Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee appointed to adjust the differences

between the House and the Senate on Senate Joint Resolution No. 6, beg leave to report that we have considered the same, and recommend that it do pass in the form as attached hereto.

"S. J. R. No. 6,

Proposing an amendment to the Constitution of the State of Texas, amending Article XVI by adding another section to be known as 'Section 61,' providing for the abolishing of the fee method of compensating all district officers of this State and county officers in counties of this State having a population of 20,000 or more, and providing that all such district and county officers be paid on a salary basis; and providing that the Legislature shall enact laws putting this amendment into effect; providing for the submission of this amendment to the voters of this State; and providing that all precinct officers in all counties and county officers in counties under 20,000 population may be compensated on a fee basis or on a salary basis and authorizing the commissioners court to determine whether certain county and precinct officers shall be paid on a fee basis or a salary basis; and providing for the necessary appropriation to defray necessary expenses for the submission of this amendment."

Be it resolved by the Legislature of the State of Texas:

Section 1. That the Constitution of the State of Texas, Article XVI, be amended by adding thereto another section to be known as "Section 61," which shall read as follows:

"Sec. 61. All district officers in the State of Texas and all county officers in counties having a population of 20,000 or more, according to the then last preceding Federal Census, shall from the first day of January and thereafter, and subsequent to the first Regular or Special Session of the Legislature after the adoption of this resolution, be compensated on a salary basis. In all counties in this State, the commissioners court shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salary basis; and in counties having a population of less than 20,000, according to the then last preceding Federal Census, the commissioners court shall also have the authority to determine whether

county officers shall be compensated on a fee basis or on a salary basis.

"All fees earned by district, county, and precinct officers shall be paid into the county treasury where earned for the account of the proper fund, provided that fees incurred by the State, county, and any municipality, or in case where a pauper's oath is filed, shall be paid into the county treasury when collected and provided that where any officer is compensated wholly on a fee basis such fees may be retained by such officer or paid into the treasury of the county as the commissioners court may direct. All notaries public, county surveyors, and public weighers shall continue to be compensated on a fee basis."

Sec. 2. The Legislature of the State of Texas is hereby directed, at the first Regular or Special Session after the adoption of this resolution, to enact such legislation as will be necessary to adequately compensate, on a salary basis, the officers herein referred to in all counties having a population of 20,000 or more, according to the then last preceding Federal Census.

Sec. 3. The foregoing constitutional amendment shall be submitted to the qualified voters of the State of Texas at a special election, to be held on the twenty-fourth day of August, 1935, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

"For amendment to the Constitution of the State of Texas abolishing the fee system of compensating all district officers, and all county officers in counties having a population of 20,000 or more: and authorizing the commissioners court to determine whether county officers and precinct officers in counties containing less than 20,000 population may be compensated on a fee basis or on a salary basis."

And those opposed shall write or have printed on their ballots the words:

"Against amendment to the Constitution of the State of Texas abolishing the fee system of compensating all district officers, and all county officers in counties having a population of 20,000 or more: and authorizing the commissioners court to determine whether county officers and precinct officers in counties contain-

ing less than 20,000 population may be compensated on a fee basis or on a salary basis."

Sec. 4. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and existing laws of the State.

Sec. 5. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of said publication and election.

Respectfully submitted,

DeBERRY,
POAGE,
PACE,
VAN ZANDT,

On the part of the Senate;

WOOD of Harrison,
BOURNE,
RUTTA,
BRADBURY,
ENGLAND,

On the part of the House.

On motion of Mr. Wood of Harrison, the report was adopted by the following vote:

Yeas—112

Adamson	Fox
Adkins	Frazer
Aikin	Fuchs
Alexander	Gibson
Alsup	Glass
Ash	Gray
Beck	Greathouse
Bergman	Hankamer
Bourne	Hardin
Bradbury	Harris of Archer
Broyles	Harris of Dallas
Burton	Head
Butler of Karnes	Herzik
Cagle	Hill
Caldwell	Hodges
Calvert	Hofheinz
Canon	Holland
Clayton	Hoskins
Collins	Huddleston
Colquitt	Hunt
Cooper	Hunter
Craddock	Hyder
Crossley	Jackson
Daniel	James
Davis	Jones of Falls
Davisson	Jones of Runnels
of Eastland	Jones of Shelby
Dunlap of Hays	Jones of Wise
Fain	Keefe
Fisher	King

Knetsch	Reed of Dallas
Lanning	Roach of Angelina
Latham	Roach of Hunt
Lemens	Roark
Lotief	Roberts
Lucas	Russell
Mauritz	Rutta
McCalla	Settle
McConnell	Shofner
McFarland	Spears
McKee	Steward
McKinney	Stinson
Moffett	Stovall
Moore	Tarwater
Morris	Tennyson
Morrison	Thornton
Morse	Tillery
Newton	Venable
Olsen	Waggoner
Padgett	Walker
Palmer	Wells
Patterson	Westfall
Payne	Wood of Harrison
Petsch	Wood of Montague
Quinn	Worley
Reader	Young
Reed of Bowie	Youngblood

Nays—1

Lindsey

Absent

Atchison	Howard
Bradford	Jefferson
Butler of Brazos	Jones of Atascosa
Celaya	Lange
Colson	Leath
Cowley	Leonard
Davison of Fisher	Luker
Dickison	Nicholson
Dunagan	Pope
Dunlap of Kleberg	Riddle
Dwyer	Roane
England	Rogers
Ford	Scarborough
Good	Smith
Graves	Stanfield
Hanna	

Absent—Excused

Duvall	Fitzwater
Farmer	Hartzog

Mr. Moffett moved to reconsider the vote by which the conference committee report on Senate Joint Resolution No. 6 was adopted, and to table the motion to reconsider.

The motion to table prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 146

Mr. Petsch submitted the following conference committee report on Senate Bill No. 146:

Committee Room,

Austin, Texas, May 3, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee appointed to adjust the differences between the two houses on Senate Bill No. 146, have had the same under consideration, and we recommend that said bill be passed in the form as attached hereto.

"S. B. No. 146,

A BILL

To Be Entitled

An Act to create the Department of Public Safety of the State of Texas, and the Public Safety Commission; providing for the appointment of members of the Public Safety Commission and for the organization of the Commission and of the Department; and fixing the expense allowance of the Commissioners; providing for the appointment of a director of the Department of the Public Safety Commission and an assistant director and prescribing the duties and powers of the director of the Public Safety Commission; providing for the appointment, promotion and discharge of all officers and employes of the Department of Public Safety; providing for the number of rangers that may be appointed by the Department of Public Safety; providing for the transfer of the Texas Ranger Force from the Adjutant General's Department to the Department of Public Safety; providing for the appointment of special rangers not to exceed three hundred; providing that not more than ten special ranger commissions may be issued to any person, firm or corporation except in emergencies; prescribing the duties of special rangers that are appointed by the Commission; providing for an increase of twenty-six privates in the State Highway Motor Patrol; providing for the transfer of the State Highway Motor Patrol of Texas from the State Highway Department to the Department of Public Safety; creating divisions and bureaus within the said Department; defining the powers, duties and functions of the Commission and the Department, and its various divisions and bureaus and co-ordi-

nating them; providing for the co-operation of the State-owned educational institutions, and all State officers and departments, and all county and municipal law enforcement officers and agencies with the Department; providing personnel, buildings, quarters, equipment, and appropriations for the Department; fixing the terms of office, methods of appointment, promotion, reduction, suspension and discharge of the officers and employes of the Department; providing for the transfer of pending business and the transfer of funds; providing for the Governor of the State of Texas to command the Department in times of public emergency; providing for the issuance of commissions of all law enforcement members of the Department; repealing all laws and parts of laws in conflict herewith, and appropriating moneys to put this Act into force and effect; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and for other purposes, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Creation of the Department of Public Safety: There is hereby created a Department of Public Safety of the State of Texas, hereinafter designated as "the Department", in which is vested the enforcement of the laws protecting the public safety and providing for the prevention and detection of crime. The Department shall have its principal office and headquarters in the City of Austin, where all of its records shall be kept.

Sec. 2. Creation of the Public Safety Commission: The control of the Department is hereby vested in the Public Safety Commission, hereinafter designated as the "the Commission", which Commission shall consist of three citizens of this State. The Governor shall, within thirty days after this Act shall take effect, appoint the members of the Commission, by and with the advice and consent of the Senate, to hold office until December 31, 1935, and they shall constitute the Public Safety Commission; and on the first day of January, 1936, the Governor shall appoint one member to hold office for two years, one for four years, and one for six

years, and at the end of every two years thereafter, the Governor shall, in like manner, by and with the advice and consent of the Senate of the State of Texas, appoint one citizen of Texas as the successor of the member of the Commission whose term shall expire in that year, to serve as such member of six years and until his successor is appointed and qualified. The Commission shall elect annually one member of the Commission to serve as Chairman thereof. Two members of the Commission shall constitute a quorum. In the event of a vacancy occurring on said Commission, the Governor shall appoint a new member of the Commission to fill the said vacancy for such unexpired term, such appointment to be subject to the advice and consent of the Senate of the State of Texas, at the next session thereof. The members of the Commission shall be selected because of their peculiar qualifications fitting them for these positions. In the appointment of the members of the Commission, the following qualifications, among others, shall be observed: Knowledge of law; experience in the enforcement of law; honesty, integrity; education, training and executive ability. They shall serve without compensation, but shall be entitled to receive ten dollars (\$10) per day as an expense account and necessary mileage in the performance of their duties, such expense allowance shall not exceed five hundred dollars (\$500) annually for each member.

Sec. 3. Organization of the Commission: The Commission shall meet at such time and places as they may provide for by rules or as the chairman or any two members may call.

Sec. 4. Duties and Powers of the Commission:

(1) The Commission shall formulate plans and policies for the enforcement of the criminal laws and of the traffic and safety laws of the State, the prevention of crime, the detection and apprehension of violators of the laws, and for the education of the citizens of the State in the promotion of public safety and law observance.

(2) It shall organize the Department and supervise its operation; it shall establish grades and positions for the Department, and for each grade and position it shall designate the authority and responsibility with-

in the limits of this Act. For each such grade and position so established, the Commission shall set standards of qualifications and shall fix prerequisites of training, education and experience, and shall make necessary rules and regulations for the appointment, promotion, reduction, suspension and discharge of all employees after hearings before the said Commission; that any officer or employee of the said Department, who shall be discharged, shall, upon application to the Commission, be entitled to a public hearing before said Commission, and the Commission shall determine whether such discharge shall be affirmed or set aside. All persons inducted into the service of the Department shall be considered on probation for the first six months and at any time during such period they may be discharged if found to be unsuitable for the work by the director, with the advice and consent of the Commission, and, if so discharged, such persons shall not be entitled to the public hearing hereinabove provided for.

(3) The Commission shall establish and make public proclamation of all rules and regulations for the conduct of the work of the Department as may be deemed necessary and as may not be inconsistent with the provisions of this Act or of the laws of the State.

(4) The Commission shall maintain records of all proceedings and official orders.

(5) The Commission shall biennially submit a report of its work to the Governor, and the Legislature, with its recommendations and those of the Public Safety Director. A quarterly statement containing an itemized list of all moneys received, and from what sources received, and all moneys expended and for what purposes expended, shall be prepared by the Director, sworn to and filed in the records of the Department and a copy shall be sent to the Governor.

Sec. 5. The Commission shall appoint a Public Safety Director hereinafter designated as the "Director" who shall be a citizen of this State and who shall hold his position until removed by the Commission. The Commission shall also appoint an assistant director who shall perform such duties as may be designated by the director. The director and assistant director shall be selected on the basis of training, experience and qual-

ifications for said positions and shall have at least five years experience, preferably police or public administration; and the director shall draw an annual salary as fixed by the Legislature not to exceed four thousand two hundred dollars (\$4,200), and the assistant director shall receive an annual salary not to exceed three thousand dollars (\$3,000), said salaries to be paid monthly. The director shall be directly responsible to the Commission for the conduct of all the affairs of the Department.

Sec. 6. Duties and Powers of the Director:

(1) The director shall act with the Commission in an advisory capacity, without vote, and shall quarterly, annually, and biennially submit to the Commission detailed reports of the operation of the Department and statements of its expenditures.

(2) He shall be the executive officer of the Department, and subject to the approval of the Commission and to the provisions of this Act, he shall have authority to appoint, promote, reduce, suspend, and discharge all officers and employees of the Department. He shall issue and sign requisition as provided by law for the purchase of supplies for the office and officers of the Department, suitable uniforms, arms and equipment; and make such rules and regulations, subject to the approval of the Commission, as are deemed necessary for the control of the Department.

Sec. 7. Authority to Issue Commissions: The director, under the direction of the Commission, shall issue commissions as law enforcement officers to all members of the Texas Rangers, to all members of the Texas Highway Patrol, and to such other officers of the Department as may be employed by the said Department.

Sec. 8. Appointment of Division and Bureau Chiefs: The senior captain of the Texas Rangers shall be chief of the Bureau of Intelligence; the chief of the Highway Motor Patrol shall be chief of the Bureau of Communications; the assistant director of the Department of Public Safety shall be chief of the Bureau of Education; the chief of the Bureau of Identification and Records shall be appointed by the director of the Department of Public Safety with the consent of the Commission.

Sec. 9. Appointment, Promotions, and Discharges:

(1) The appointment and promotion of all officers and employes shall be made on the basis of merit, to be determined by examinations under the rules and regulations of the Commission, which shall take into consideration the age, physical condition, experience and education of the applicant. All persons who have applications on file for any position in the Department shall be given reasonable written notice of the place and time where said examinations are to be held.

(2) All applicants for positions in the Department shall be citizens of the United States of America, and shall have been bona fide residents of the State of Texas for a period of not less than one year immediately prior to the filing of the application. No applicant for a position in the Department shall be questioned at any time as to his religious faith or beliefs, or as to his political affiliations. No person in the Department shall contribute any money or other thing of value for political purposes, nor shall any person in the Department engage in political activities or campaign for or against any candidate for any public office in this State. Any person violating any provision of this subsection shall forfeit his position with the Department.

(3) No officer or employe of the Department shall be discharged without just cause. The director shall determine whether or not the officer or the employe be discharged; and in case he is ordered discharged, he shall have the right to appeal to the Commission; during such appeal he shall be suspended without pay.

(4) The chiefs of the several divisions and bureaus, after due investigation, shall once each six months make report to the Commission of the efficiency of each employe within such division or bureau. These reports shall be kept in the permanent files of the Commission, and shall be given proper consideration in all matters of promotion and discharge.

Sec. 10. Department Divisions: The Department shall be composed of three divisions; i. e. (a) The Texas Rangers; (b) The Texas Highway Patrol; and (c) The Headquarters Division, and such other divisions as the Commission may deem necessary.

Sec. 11. The Texas Rangers:

(1) The Texas Ranger Force and its personnel, property, equipment, and

records, now a part of the Adjutant General's Department of the State of Texas, are hereby transferred to and placed under the jurisdiction of the Department of Public Safety, and are hereby designated as the Texas Rangers, and as such, constitute the above-mentioned division of the Department.

(2) The Texas Rangers shall consist of one headquarters company and not to exceed two companies of mounted men, except in cases of emergency, when the Commission, with the consent of the Governor, shall have authority to increase the force to meet extraordinary conditions.

The headquarters company shall consist of one captain, who shall be designated as the senior captain of the Texas Rangers, and who shall be the executive officer and in command of that division; one sergeant, and not to exceed four privates and one stenographer.

Each separate mounted company shall consist of not to exceed one captain, one sergeant, and fifteen privates.

There shall be a quartermaster for the division, who shall discharge the duties of quartermaster, commissary, and paymaster, and who shall have the rank and pay of a captain.

(3) The compensation of the officers shall be such as allowed by the Legislature.

(4) The officers shall be clothed with all the powers of peace officers, and shall aid in the execution of the laws.

They shall have authority to make arrests, and to execute process in criminal cases; and in civil cases when specially directed by the judge of a court of record; and in all cases shall be governed by the laws regulating and defining the powers and duties of sheriffs when in the discharge of similar duties; except that they shall have the power and shall be authorized to make arrests and to execute all process in criminal cases in any county in the State. All officers operating by virtue of this Act shall have the authority to make arrests, as directed by warrants, and without a warrant under the conditions now authorized by law, and also in all cases when the alleged offender is traveling on a railroad, in a motor vehicle, aero-

plane or boat. When any of said force shall arrest any person charged with a criminal offense, they shall forthwith convey said person to the county where he so stands charged, and shall deliver him to the proper officer, taking his receipt therefor. All necessary expenses thus incurred shall be paid by the State.

(5) Special Rangers: The Commission shall have authority to appoint such number of special rangers as may be deemed advisable, not to exceed three hundred (300) in number; such rangers shall not have any connection with any ranger company or Highway Motor Patrol, but they shall at all times be subject to the orders of the Commission and the Governor for special duty to the same extent as the other law-enforcing officers provided for in this Act; such special rangers, however, shall not have the authority to enforce any laws except those designed to protect life and property, and such rangers are especially denied the authority to enforce any laws regulating the use of the State highways by motor trucks and motor buses and other motor vehicles. Such rangers shall not receive any compensation from the State for their services, and before the issuance of the commission each such ranger shall enter into a good and sufficient bond executed by a surety company authorized to do business in Texas in the sum of twenty-five hundred dollars (\$2,500), approved by the Director, indemnifying all persons against damages accruing as the result of any illegal or unlawful acts on the part of such special ranger. All special ranger commissions shall expire on January 1 of the odd year after appointment, and the director can revoke any special ranger commission at any time for cause, and such officer shall be designated in the commission as special ranger.

Provided, further, that the Commission shall not issue more than ten commissions to special rangers for employment by any one person, firm or corporation at any one time, except during an emergency, when, in the opinion of the Commission, it is necessary in the interest of the public justice to permit the employment of more than ten.

(6) In the execution of the laws of the State under the Department

of Public Safety, the officials shall in all cases where it becomes necessary to seize property and destroy the same, to proceed as now provided by law; and all property so seized shall be stored and a list thereof presented to a district judge in the district where such property is seized, who shall dispose of same in the mode and manner now provided by Articles Nos. 5112, 5113, and 5114, Revised Civil Statutes, 1925.

Any official disregarding these provisions shall, by virtue thereof, be subject to removal from office.

Sec. 12. The Texas Highway Patrol:

(1) The State Highway Motor Patrol of Texas and its personnel, property, equipment and records, now a part of the Highway Department of the State of Texas, are hereby transferred to and placed under the jurisdiction of the Department of Public Safety, and are hereby designated as the Texas Highway Patrol, and as such constitute the above-mentioned division of the Department.

(2) The Texas Highway Patrol division shall consist of a chief patrol officer, who shall be the executive officer of the patrol, five inspectors, one hundred and forty privates, and such clerical help as may be determined by the Commission.

(3) The compensation of the officers shall be such as allowed by the Legislature.

(4) The officers, non-commissioned officers and enlisted men of the Texas Highway Patrol shall be, and they are hereby, clothed with all the powers and authority which they now have and exercise as members of the State Highway Motor Patrol of Texas, and their duties and functions shall be the same as the duties and functions they are now performing. In addition they shall be, and they are hereby, clothed with all the powers and authority which is in this Act or otherwise by law given to members of the Texas Ranger Force.

Sec. 13. The Headquarters Division: There is hereby created, as an integral part of the Department, a headquarters division, consisting of the Bureaus of Identification and Records, Communications, Intelligence and Education. With the advice and consent of the Commission, the director shall employ such chiefs, experts, op-

erators, instructors and assistants as may be necessary for the operation of this division and the several bureaus therein.

Sec. 14. The Bureau of Identification and Records:

(1) It shall be the duty of the director to appoint, with the advice and consent of the Commission, a chief of the Bureau of Identification and Records, who shall be the executive officer. The chief of the bureau, and at least one assistant, shall be recognized identification experts, and with at least three years' actual experience. This bureau shall procure and file for record, photographs, pictures, descriptions, finger prints, measurements and such other information as may be pertinent, of all persons who have been or may hereafter be convicted of a felony within the State, and also of all well known and habitual criminals wheresoever the same may be procured. The bureau shall collect information concerning the number and nature of offenses known to have been committed in this State, of the legal steps taken in connection therewith, and such other information as may be useful in the study of crime and the administration of justice. It shall be the duty of the bureau to co-operate with the bureaus in other States, and with the Department of Justice in Washington, D. C. It shall be the duty of the chief of the bureau to offer assistance, and, when practicable, instruction to sheriffs, chiefs of police, and other peace officers in establishing efficient local bureaus of identification in their districts.

(2) The bureau shall make ballistic tests of bullets and firearms, and chemical analyses of bloodstains, cloth, materials and other substances, for the officers of the State charged with law enforcement.

Sec. 15. The Bureau of Communications:

(1) The chief of the Highway Motor Patrol shall, in addition to his other duties, be chief of the Bureau of Communications, and shall be qualified in the supervision and operation of a radio broadcasting system and in the use of teletypewriter machines and other modern means of communication.

(2) This bureau may, when funds are provided, install and operate a

police radio broadcasting system for the broadcasting of information concerning the activities of violators of the law, and for the directing of the activities and functions of the law enforcement agencies of the State, the counties and the municipalities. It shall co-operate with county and municipal police authorities and with police radio stations, in this State and in other States.

(3) The bureau shall establish and operate a State roads blockade system, in co-ordination with State, county, and municipal law enforcement agencies.

(4) This bureau shall provide for the rapid exchange of information, concerning the commission of crimes and the detection of violators of the law, between the law enforcement agencies of this State, its counties, and municipalities and other States and the National Government.

Sec. 16. The Bureau of Intelligence:

(1) The senior captain of the Texas Rangers, in addition to his other duties, shall be chief of the Bureau of Intelligence and shall be qualified in obtaining information and intelligence of crime and in modern police detective work.

(2) This bureau shall, with the aid of the other divisions and bureaus of the Department, accumulate and analyze information of crime activities in the State, and shall make such information available for the use of the Department and of county and municipal police and law enforcement agencies.

(3) It shall aid in the detection and apprehension of violators of the law.

Sec. 17. The Bureau of Education:

(1) The assistant director of the Department of Public Safety, in addition to his other duties, shall be chief of the Bureau of Education, and shall organize schools for the members of the Department and other peace officers and shall give instruction in such schools, and he shall have had substantial experience in law enforcement work and in the instructing of law enforcement officers.

(2) This bureau shall establish and operate schools for the training of the personnel of the Department in their respective duties and functions.

(3) This bureau shall establish and operate schools for the training of county and municipal police officers who have been selected to attend such schools by the authorities of the law enforcement agencies by which they are employed.

(4) A comprehensive plan shall be established and carried out for the education of the citizens of this State in matters of public safety and crime prevention and detection.

(5) The Adjutant General shall provide suitable buildings, land, and State-owned equipment located in Camp Mabry, Austin, Texas, for the use of this bureau in the conduct of its training schools.

Sec. 18. Establishment of District Headquarters: The Commission may establish district headquarters and stations at various places in the State, with the personnel and equipment necessary for the proper functioning and operation thereof.

Sec. 19. Law Enforcement Officers Shall Be Associate Members: The sheriffs and constables of the several counties in this State, and the chiefs of police of all incorporated municipalities, are hereby made associate members of the Department, and are entitled to all rights and privileges granted to them by the Department.

Sec. 20. Director May Call Upon Law Enforcement Officers for Assistance: The Director shall have the authority to call upon any sheriff or other police officer in any county or municipality within the limits of their respective jurisdictions, for aid and assistance in the performance of any duty imposed by this Act; and, upon being notified or called upon for such aid and assistance, it shall be the duty of such officer concerned to comply with such order to the extent requested.

Sec. 21. Director Shall Provide for Co-operation: The Director, with the advice and consent of the Commission, shall formulate and put into effect plans and means of co-operating with the sheriffs and local police and peace officers throughout the State for the purpose of the prevention and discovery of crimes and the apprehension of criminals and the promotion of public safety; and it shall be the duty of all such local police and peace officers to co-operate with the Director in such plans. Every telegraph and telephone com-

pany and radio station operating within this State shall grant priority of service to the police agencies and to the Department of Public Safety, when notified that such service is urgent in the interests of the public welfare.

Sec. 22. State Supported Educational Institutions Shall Assist: The University of Texas and all other State-supported educational institutions shall co-operate with the Department in carrying out the provisions of this Act, and shall aid and assist in the giving of instruction in the training schools conducted by the Bureau of Education, and shall aid and assist the Bureau of Identification and Records in the making of such chemical tests and analyses as are necessary, and in the making of statistical analyses, charts and reports of law enforcement and violations of law; the nature and extent of such aid and assistance is to be agreed upon and arranged for by the Commission and the president of the educational institution called upon for such aid and assistance.

Sec. 23. State Officials and Departments Shall Assist: The Attorney General of the State of Texas, the Highway Department, the Public Health Department and all other departments of the Government of the State of Texas shall co-operate with the Department of Public Safety in the execution of the provisions of this Act and in the enforcement of the laws of the State concerning crime prevention and detection and the public safety. The Board of Control is hereby directed to provide suitable quarters for the Department of Public Safety in the basement of the Land Office Building until more suitable quarters are available.

Sec. 24. When the Governor Shall Command the Department: Upon the occurrence of a public disaster, riot, or insurrection, or the formation of a dangerous resistance to the enforcement of the law, or for the purpose of performing his constitutional duty to cause the laws to be enforced, the Governor of this State shall have the authority to assume the command of and direct the activities and functions of the Commission and of the Department during the existence of such emergency or necessity. In the event that the Governor of this State shall take such action, he shall first use the officers and personnel of the

Department other than the Texas Highway Patrol and the said Patrol shall so be called upon or diverted from its regular duties only in the event that the Department is otherwise unable to cope with the emergency.

Sec. 25. State Shall Provide Necessary Buildings, Equipment, Et Cetera: The State of Texas shall provide the necessary buildings, offices and quarters for the Department and its officers and employes in the City of Austin, Texas, and in such other places in the State as district headquarters shall be established, and it shall also provide for the equipment of the Department and the divisions, bureaus and branches thereof, with the furniture, fixtures, automobiles, motorcycles, horses, firearms, ammunition, uniforms, appliances and materials necessary to the proper functioning and operation thereof.

Sec. 26. Provisions for Transfer of Funds and Appropriations: For the purpose of carrying out the provisions of this Act, there is hereby transferred to the credit of an account to be designated and known as the Department of Public Safety of the State of Texas, any moneys in the General Fund credited to the Texas Ranger Force of the Adjutant General's Department, the Highway Motor Patrol Division of the Highway Department of the State of Texas for the remainder of the biennium commencing on the effective date of this Act, and there is hereby appropriated out of the General Revenue of this State the additional sum of five thousand dollars (\$5,000) for the purpose of carrying out the provisions of this Act for the biennium ending August 31, 1935, and thereafter by moneys to be appropriated by the Legislature of the State of Texas. All appropriations for the Texas Highway Patrol shall be made by the Legislature from and out of the State Highway Fund.

Sec. 27. Provisions for Transfer of Pending Business: All matters and orders pending before or made by any officer or department or unit transferred under this Act to this Department shall be deemed to be continued with like status in such Department.

Sec. 28. Provision in Event of Unconstitutionality of a Portion of This Act: Should any section or provision of this Act be held to be unconstitutional by any court of competent juris-

diction, the same shall not affect the validity of the Act as a whole, or any part thereof, other than the portion so held to be invalid. The Legislature hereby declares that it would have passed this Act had such part been omitted.

Sec. 29. Repeal of Inconsistent Laws: All laws or parts of laws inconsistent or conflicting with the provisions of this Act are hereby repealed.

Sec. 30. Declaring an Emergency: The fact that under existing law there is no co-ordination of control of the several law enforcement agencies and departments of the State, and there is no central department providing for the obtaining and filing of criminal identifications and records and for the co-ordination of law enforcement agencies, and there is no law providing for the co-ordination of the State, county and municipal law enforcement officers, and the further fact that due to the lack of such control, co-ordination and the lack of such department, much waste and inefficiency in the law enforcement activities of the State results, and the further fact that crime is highly organized in this State and existing agencies for law enforcement are not capable of fully enforcing the laws of the State, creates an emergency and an imperative public necessity that the constitutional rule, requiring that bills be read on three several days in each house, and the further constitutional rule as to the time when laws take effect, be suspended, and each of them is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

Respectfully submitted,

BECK,
MARTIN,
POAGE,
RAWLINGS,
COLLIE,

On the part of the Senate;

GRAVES,
JONES of Atascosa,
KNETSCH,
PETSCH,

On the part of the House.

On motion of Mr. Bradbury, the conference committee report was ordered printed in the Journal, and further consideration of same was postponed until 10 o'clock a. m., next Monday.

**BILLS AND RESOLUTION SIGNED
BY THE SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. C. R. No. 43, Relative to certain claims of school districts.

S. B. No. 527, "An Act to amend Subsection (m) of Section 7, House Bill No. 2, Chapter 13, Acts of Forty-second Legislature, Third Called Session, as amended by Senate Bill No. 300, Chapter 136, Acts of Forty-third Legislature, Regular Session, and declaring an emergency."

S. B. No. 365, "An Act amending Section 3 of Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

S. B. No. 326, "An Act amending Subdivision (b) of Section 11 of Chapter 116, Acts of the Forty-third Legislature, Regular Session, and declaring an emergency."

S. B. No. 234, "An Act making an emergency appropriation out of the General Revenue Fund of the State of Texas for the State Department of Education for the balance of the fiscal year ending August 31, 1935, and declaring an emergency."

S. B. No. 207, "An Act amending Subdivision 5 of Article 1995 of the Revised Civil Statutes of the State of Texas, 1925, by distinctly specifying that the county for the performance of the obligation which is involved in the suit, must be named by the writing expressly, and declaring an emergency."

S. B. No. 49, "An Act amending Article 297 of the Penal Code providing for the compulsory attendance of children in the public schools, and declaring an emergency."

S. B. No. 52, "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

S. B. No. 126, "An Act to amend Article 1006, Code of Criminal Procedure of Texas, 1925, providing for the compensation of an officer or person executing a fugitive warrant beyond the limits of the State of Texas;

repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 354, "An Act to amend the law relating to water improvement districts by amending Section 21 of Chapter 87 of the General Laws enacted by the Thirty-fifth Legislature of the State of Texas at its Regular Session, in order to better and further define the general powers of such districts by giving to such districts the powers to adopt and promulgate reasonable police ordinances or regulations; defining the limitations thereof and objects to be accomplished thereby, and declaring an emergency."

S. B. No. 280, "An Act authorizing the assessor and collector of taxes, sheriff, or the sheriff and assessor and collector of taxes to administer all oaths necessary for the discharge of the duties of their respective offices, and to administer all oaths necessary in the transaction of the business of their respective offices, and declaring an emergency."

S. B. No. 217, "An Act to amend House Bill No. 19, Chapter 44, page 98, Acts of First Called Session, Forty-first Legislature, providing for the compensation and hospitalization under certain conditions of certain employes of the State Penitentiary System, repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 264, "An Act amending Section 7 of Chapter 98 of the Acts of the First Called Session, Forty-third Legislature, so as to provide for paying by lienholders to the person paying such taxes, the taxes, costs, and interest and receiving transfer to himself of the tax lien, and declaring an emergency."

S. B. No. 257, "An Act making certain emergency appropriations out of the General Revenue of the State of Texas to supplement appropriations made by the Regular Session of the Forty-third Legislature for the maintenance and administration of the Judiciary, to pay expenses of district judges and district attorneys as per Article 6820, Revised Civil Statutes, and declaring an emergency."

S. B. No. 10, "An Act defining and regulating the practice of dentistry in the State of Texas; providing for the creation of the State Board of

Dental Examiners, and declaring an emergency."

HOUSE BILL NO. 407 WITH SENATE AMENDMENTS

Mr. Beck called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 407, A bill to be entitled "An Act creating a State system of public employment offices; accepting the provisions of the Wagner-Peyser Act, approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such system, and for other purposes'; designating the Bureau of Labor Statistics as the agency for the administration of this Act; creating a division within the Bureau of Labor Statistics to be known as the Texas State Employment Service, responsible for the administrative system of public employment officers; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Beck moved that the House concur in the Senate amendments.

Mr. Alsup moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

Mr. Beck moved to table the motion by Mr. Alsup.

The motion to table was lost.

Question recurring on the motion by Mr. Alsup, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—66

Adamson	Davison of Fisher
Adkins	Davisson
Alexander	of Eastland
Alsup	Dunagan
Atchison	Dunlap of Hays
Bradbury	Dunlap of Kleberg
Bradford	Fain
Broyles	Fisher
Butler of Karnes	Fox
Cagle	Frazer
Caldwell	Glass
Celaya	Gray
Colquitt	Hanna
Craddock	Hardin
Davis	Harris of Archer

Hill	Moffett
Hofheinz	Moore
Huddleston	Newton
Hunt	Palmer
Hunter	Quinn
Hyder	Roach of Angelina
James	Russell
Jones of Atascosa	Rutta
Jones of Runnels	Settle
Jones of Shelby	Stanfield
King	Stovall
Knetsch	Tarwater
Lanning	Tennyson
Lindsey	Venable
Lotief	Waggoner
Lucas	Walker
Luker	Wood of Montague
Mauritz	Worley
McFarland	

Nays—51

Aikin	McCalla
Ash	McConnell
Beck	McKee
Bergman	McKinney
Bourne	Morris
Burton	Morrison
Calvert	Morse
Canon	Nicholson
Clayton	Olsen
Crossley	Patterson
Daniel	Reader
Dickison	Reed of Bowie
England	Reed of Dallas
Gibson	Roach of Hunt
Graves	Roane
Hankamer	Roark
Head	Roberts
Hodges	Shofner
Hoskins	Stinson
Jackson	Thornton
Jones of Falls	Wells
Jones of Wise	Westfall
Keefe	Wood of Harrison
Latham	Young
Leath	Youngblood
Lemens	

Absent

Butler of Brazos	Jefferson
Collins	Lange
Colson	Leonard
Cooper	Padgett
Cowley	Payne
Dwyer	Petsch
Ford	Pope
Fuchs	Riddle
Good	Rogers
Greathouse	Scarborough
Harris of Dallas	Smith
Herzik	Spears
Holland	Steward
Howard	Tillery

Absent—Excused

Duvall	Fitzwater
Farmer	Hartzog

HOUSE BILL NO. 344 WITH SENATE AMENDMENTS

Mr. Dwyer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 344, A bill to be entitled "An Act to amend Section eleven (11) of the Acts of 1927, Fortieth Legislature, Regular Session, Chapter 22, page 26; House Bill No. 80, as amended by the Acts of 1933, Forty-third Legislature, Chapter 50, page 61, Special Laws, House Bill No. 435, so as to provide by this Act, and as an amendment of said Act of the Forty-third Legislature, that the two judges of the County Courts at Law Nos. 1 and 2, of Bexar County, Texas, shall not be required to furnish bonds, but shall each take the oath of office prescribed by the Constitution of Texas, and that certain fees shall be collected by the clerk of said courts and by him paid into the county treasury of Bexar County, Texas, and that the two judges of the County Courts at Law Nos. 1 and 2, of Bexar County, Texas, shall each receive an annual salary of five thousand dollars (\$5,000), and providing for the payment of said salaries, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Dwyer, the House concurred in the Senate amendments by the following vote:

Yeas—112

Adamson	Daniel
Adkins	Davis
Aikin	Davison of Fisher
Alexander	Davisson
Alsup	of Eastland
Ash	Dickison
Atchison	Dunlap of Hays
Beck	Dwyer
Bergman	England
Bourne	Fain
Bradford	Fisher
Broyles	Fox
Burton	Frazer
Butler of Karnes	Gibson
Cagle	Glass
Caldwell	Graves
Calvert	Gray
Canon	Hankamer
Celaya	Hanna
Clayton	Harris of Archer
Collins	Head
Colquitt	Hill
Craddock	Hodges
Crossley	Hofheinz

Holland	Palmer
Hoskins	Patterson
Hunt	Pope
Hunter	Reader
Hyder	Reed of Bowie
Jackson	Reed of Dallas
James	Roach of Angelina
Jones of Falls	Roach of Hunt
Jones of Runnels	Roane
Jones of Shelby	Roark
Jones of Wise	Roberts
Keefe	Russell
King	Rutta
Knetsch	Settle
Lanning	Shofner
Latham	Spears
Leath	Stanfield
Lemens	Stinson
Leonard	Tarwater
Lotief	Tennyson
Lucas	Thornton
McCalla	Tillery
McFarland	Venable
McKee	Waggoner
McKinney	Walker
Moffett	Wells
Moore	Westfall
Morris	Wood of Harrison
Morrison	Wood of Montague
Morse	Worley
Newton	Young
Nicholson	Youngblood
Olsen	

Nays—4

Bradbury	Huddleston
Hardin	Lindsey

Absent

Butler of Brazos	Lange
Colson	Luker
Cooper	Mauritz
Cowley	McConnell
Dunagan	Padgett
Dunlap of Kleberg	Payne
Ford	Petsch
Fuchs	Quinn
Good	Riddle
Greathouse	Rogers
Harris of Dallas	Scarborough
Herzik	Smith
Howard	Steward
Jefferson	Stovall
Jones of Atascosa	

Absent—Excused

Duvall	Fitzwater
Farmer	Hartzog

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 369

Mr. Roane submitted the following conference committee report on Senate Bill No. 369:

Committee Room,
Austin, Texas, May 3, 1935.

Hon. Walter F. Woodul, President of
the Senate, and Hon. Coke R.
Stevenson, Speaker of the House
House of Representatives.

Sirs: We, your conference commit-
tee appointed to adjust the differences
between the two houses on Senate Bill
No. 369, beg to recommend that said
bill be passed in the form and text as
submitted herewith.

"S. B. No. 369,

A BILL

To Be Entitled

An Act making appropriation of cer-
tain sums of money, or so much
thereof as may be necessary, out
of the General Revenue Fund to
pay taxes due by the State to cer-
tain independent school districts,
and declaring an emergency."

Be it enacted by the Legislature of
the State of Texas:

Section 1. The several sums of
money hereinafter indicated, or so
much thereof as may be necessary,
are hereby appropriated out of the
General Revenue Fund for the pur-
pose of paying taxes due by the State
to the several respective independent
school districts named herein, as fol-
lows:

Sugar Land Independent School District, taxes for years 1918 to 1927, inclu- sive	\$ 6,148.80
Richmond Independent School District, taxes for years 1921 to 1929, inclu- sive	4,420.75
Maydelle Independent School District, taxes for year 1934	150.00
Rusk Independent School District, taxes for years 1925 to 1930, inclusive...	2,665.00
Total.....	\$13,384.55

Sec. 2. The fact that all of these
taxes under existing statutes of the
State are now long past due and that
no appropriation for the payment has
been made heretofore by the Legis-
lature creates an emergency and an
imperative public necessity that the
constitutional rule, requiring bills to
be read on three several days in each
house, be suspended, and said rule is
hereby suspended, and this Act shall

take effect and be in force from and
after its passage, and it is so enacted.

Respectfully submitted,

REDDITT,
PACE,
HOLBROOK,
MOORE,
REGAN,

On the part of the Senate;

McKINNEY,
GLASS,
HILL,
HERZIK,
ROANE,

On the part of the House.

On motion of Mr. Roane, the report
was adopted by the following vote:

Yeas—108

Adamson	Hofheinz
Adkins	Holland
Aikin	Hoskins
Alexander	Huddleston
Alsup	Hyder
Ash	Jackson
Atchison	James
Beck	Jones of Atascosa
Bergman	Jones of Falls
Bourne	Jones of Runnels
Bradbury	Jones of Shelby
Burton	Jones of Wise
Butler of Karnes	Keefe
Cagle	King
Caldwell	Knetsch
Calvert	Lanning
Canon	Latham
Celaya	Leath
Clayton	Lemens
Collins	Leonard
Colquitt	Lotief
Crossley	Lucas
Daniel	Luker
Davis	Mauritz
Davison of Fisher	McCalla
Davisson	McConnell
of Eastland	McFarland
Dickison	McKee
Dunlap of Hays	McKinney
Dwyer	Moore
England	Morrison
Fain	Newton
Fisher	Nicholson
Frazer	Olsen
Gibson	Palmer
Glass	Pope
Graves	Reader
Gray	Reed of Bowie
Greathouse	Reed of Dallas
Hankamer	Roach of Angelina
Hardin	Roach of Hunt
Hartzog	Roane
Head	Roark
Hill	Roberts
Hodges	Rutta

Settle	Waggoner
Shofner	Walker
Stanfield	Wells
Stinson	Westfall
Stovall	Wood of Harrison
Tarwater	Wood of Montague
Tennyson	Worley
Thornton	Young
Tillery	Youngblood
Venable	

Nays—11

Broyles	Lindsey
Craddock	Moffett
Fox	Morris
Hanna	Quinn
Harris of Archer	Russell
Hunt	

Absent

Bradford	Jefferson
Butler of Brazos	Lange
Colson	Morse
Cooper	Padgett
Cowley	Patterson
Dunagan	Payne
Dunlap of Kleberg	Petsch
Ford	Riddle
Fuchs	Rogers
Good	Scarborough
Harris of Dallas	Smith
Herzik	Spears
Howard	Steward
Hunter	

Absent—Excused

Duvall	Fitzwater
Farmer	

CONFERENCE COMMITTEE ON
HOUSE BILL NO. 407

The Speaker announced the appointment of the following conference committee on House Bill No. 407: Messrs. Beck, Alsup, Canon, Morris, and Hodges.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL
NO. 779

Mr. McKee submitted the following new conference committee report on House Bill No. 779:

Committee Room,

Austin, Texas, April 23, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, to whom was referred House Bill No. 779, have had same under consideration, and we recommend to the

House of Representatives and to the Senate that said bill pass in the form attached hereto.

"H. B. No. 779,

A BILL

To Be Entitled

An Act making available currently the funds now on hand and hereafter accruing to the Jack and Stallion Fund of the State Department of Agriculture, under the terms of Act of the Regular Session, Forty-third Legislature, Chapter 162, page 433, as amended, Acts of the Forty-third Legislature, First Called Session, Chapter 10, page 32, providing for the drawing of warrants by the Comptroller and the payment of same by the State Treasurer in accordance with the provisions hereof and with the General Laws; providing that this Act shall not affect the amounts appropriated or to be appropriated to the Jack and Stallion Fund of the State Department of Agriculture, or change the proportion of the proceeds of the Special Racing Fund accruing to said Jack and Stallion Fund of the Department of Agriculture; providing that the purchasing of jacks and stallions shall be made by the Board of Control and providing for funds to pay such expenses; providing for the transfer of all monies in the State Department of Agriculture, Department Suspense Fund, Jack and Stallion Breeding Suspense Account, to the Special Racing Fund, for credit, to the Jack and Stallion Account; declaring the intent of this Act; and amending Subsection 7, Chapter 166, Acts of the Forty-third Legislature, being House Bill No. 167, pages 428-433, as amended by Chapter 10, Acts of the Forty-third Legislature, 1933, First Called Session, being House Bill No. 12 of the Session Acts of the First Called Session of the Forty-third Legislature, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the effective date of this Act, all funds now on hand and hereafter accruing to the benefit of the State Department of Agriculture out of the Special Racing Fund, created under the terms and provisions of Acts of the Regular Session, Forty-third Legis-

lature, Chapter 162, page 433, as amended, Acts of the Forty-third Legislature, First Called Session, Chapter 10, page 32, shall become available to and for the use of the State Department of Agriculture, as collected and deposited in State Treasury, in making expenditures currently out of the Jack and Stallion Fund for the purpose for which such Fund is created, as such funds accrue. The State Comptroller is hereby authorized and empowered to draw warrants upon said Special Racing Fund and the State Treasurer is hereby authorized and empowered to pay such warrants in accordance with the provisions of this Act and with the general provisions of law.

Sec. 2. Nothing in this Act shall be construed either to increase or diminish the amounts of the appropriations heretofore made, or hereafter to be made, for the operating expenses of the State Department of Agriculture. Nor shall this Act be construed in any manner to affect or change the proportion of the proceeds of the said Special Racing Funds allocated to the State Department of Agriculture, it being the purpose and intent of this Act merely to provide that the Jack and Stallion Fund of the State Department of Agriculture shall receive its proportionate share of said funds as same are collected and deposited with the State Treasurer and may be paid out currently only for the purpose hereinafter set forth.

Sec. 3. That Subsection 7 of Chapter 166, Acts of the Forty-third Legislature, 1933, being House Bill No. 167, pages 428-433 of the Session Acts of the Forty-third Legislature as amended by Chapter 10, Acts of the First Called Session, Forty-third Legislature, 1933, being House Bill No. 12 of the Session Acts of the First Called Session of the Forty-third Legislature, be, and the same is hereby, amended to read as follows:

Subsection 7. All Jacks and Stallions purchased for the State of Texas, under the terms and provisions of Acts of the Regular Session, Forty-third Legislature, Chapter 163, page 433, as amended Acts of the Forty-third Legislature, First Called Session, Chapter 10, page 32, shall be by and through the Board of Control, and shall be paid for by warrants drawn upon the Special Racing Fund

from the Jack and Stallion Account, and the State Treasurer is hereby authorized and empowered to pay such warrants.

The titles of such animals so purchased shall be in the State of Texas. The Board of Control shall keep appropriate written records showing the price paid for each animal, from whom, and where purchased, and obtain a bill of sale for each animal purchased, showing the age and breeding of such animal. The Commissioner of Agriculture shall keep records of the location and the custodian from time to time of such animal. The Commissioner of Agriculture shall also procure from time to time a report from the county agent or county judge of the county where such animal is located, as to the condition and the use made of such animal, and the number of colts foaled in the calendar year in that county.

For the service of such animals so distributed, the Commissioner of Agriculture is authorized to make a reasonable charge of not less than \$7.50 nor exceed \$10.00 for colts foaled. The amounts so collected by the Commissioner of Agriculture shall be remitted, by him, through the State Comptroller to the State Treasurer in the Special Racing Fund, and shall be deposited to the credit of the Stallion and Jack Account, to be used by the Commissioner of Agriculture for the purchase, through the Board of Control, of additional stallions and jacks, and for the maintenance of all State-owned stallions and jacks. Provided the Commissioner of Agriculture is hereby authorized to make refunds of such service charges when the animal served has not been foaled by such service, upon affidavit and due proof thereof being made to the Commissioner of Agriculture, and approved by the Board of Control, on such forms prescribed by the Commissioner of Agriculture. The Treasurer is hereby authorized to pay warrants drawn by the Comptroller upon such Jack and Stallion Account in The Special Racing Fund, upon vouchers issued therefor by the Commissioner of Agriculture and approved by the Board of Control. Immediately after the effective date of this Act, the Comptroller is commanded and empowered to transfer all monies, or cause to be transferred all monies held in the State Department of Agri-

culture Departmental Suspense Fund, Jack and Stallion Breeding Fee Suspense Account, in the State Treasury, to the Special Racing Fund, to the credit of the Jack and Stallion Account.

The Commissioner of Agriculture shall adopt and carry out reasonable rules and regulations, with respect to the distribution, care, use, and maintenance of such animals. All expenditures thus authorized shall be paid upon accounts approved by the Commissioner of Agriculture and with approval of the Board of Control, and warrants drawn by the Comptroller on the State Treasurer.

In allotting or distributing said stallions and jacks, the Commissioner of Agriculture shall request and give consideration to the recommendations of the commissioners court of the particular counties seeking the distribution of such animals.

The Commissioner of Agriculture annually, in the month of November, shall make and file with the Governor and the Racing Commission a written report showing prices paid for animals purchased under this Act, from whom, and where purchased, with a copy of the bill of sale on each animal, showing the age and breeding of each respective animal, and the location of such animal, and the name of the then custodian thereof, the amount collected by him as service charges on animals, and the amount paid out in the way of maintenance expense of animals and to whom paid.

Sec. 3-a. Provided that all money on deposit on April 1, 1935, with the State Treasurer or other depositories to the credit of the Jack and Stallion Fund shall be used for the payment of caretakers fees now due, or to become due, and for the purchase of jacks and stallions and the amounts hereto set forth and attached, as well as the sum of three thousand dollars (\$3,000), or so much thereof as will be necessary, for office employes and expenses incident thereto, is hereby appropriated annually and to defray expenses incurred by Board of Control in the purchase of jacks and stallions for the State of Texas; and expenses incident to the purchase and caretaking of the jacks and stallions now owned, or to be owned by the State of Texas, and such funds for caretakers shall also be withdrawn from the Treasury on a monthly basis. And such amount shall be

taken out of the Jack and Stallion Fund.

Sec. 3-aa. The Comptroller and Treasurer are hereby directed to issue proper warrants immediately for the following sums of money now past due:

Caretaker's Salary

Month of February, 1935...\$2,753.95
Month of March, 1935..... 2,945.00

Traveling Expense

M. S. Frazee (Feb. 25-Mar. 2), inspection	17.73
M. S. Frazee (March 11-16), inspection	9.04
M. S. Frazee (March 25-30), inspection	2.92
W. K. Maasdam (Feb. 22-26), inspection	10.40
J. E. McDonald (March 6), inspection	14.25
Robt. Nabers (Mar. 5-April 15), inspection	10.35
W. K. Maasdam (Feb. and March)	200.00
Robt. Nabers	75.00

Telephone and Telegraph

February	46.25
March	141.35

Veterinary and Medicine

Kelly Pharmacy, Waxahachie	2.75
J. L. Lyon, veterinary services	25.00
F. Lester Morgan, veterinary services	22.00
Dr. W. C. Brock, veterinary services	5.00

Miscellaneous

Moore Hdw. Co.90
F. Weigle Iron Works.....	5.55
Darter Bros.	7.50
Frank Holson	3.50
L. C. Smith Typewriter Co..	76.95
Sankey Studio	7.25

Auditors' Expenses

C. L. West	65.15
R. H. Murphy	45.10

Sec. 3-b. All contracts for transportation, and/or delivery, and all necessary expenses incurred in transportation and/or delivery of jacks and stallions, made by the Commissioner of Agriculture, shall be approved by the Board of Control, and paid out of Jack and Stallion Account, upon vouchers issued therefor by the Commissioner of Agriculture, and approved by the Board of Control.

Sec. 4. The fact that under the pro-

visions of Acts of the Regular Session of the Forty-third Legislature, Chapter 162, page 433, as amended by Acts of the Forty-third Legislature, First Called Session, Chapter 10, page 32, the Special Racing Fund, as created in such Act, can not be divided or paid out until the month of December of each year, and the fact that the State of Texas now has on hand and owns a large number of jacks and stallions, and has no available funds for the care of same, and for the fact that the service fees for jacks and stallions are now required to be deposited to the Racing Fund, depriving such Jack and Stallion Account of much needed revenues, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Respectfully submitted,

RAWLINGS,
STONE,
HOLBROOK,
BURNS,
HILL,

On the part of the Senate;

McKEE,
KNETSCH,
STANFIELD,
CANON,
GRAVES,

On the part of the House.

Mr. McKee moved that the report be adopted.

On motion of Mr. Latham, the report was ordered printed in the Journal, and further consideration of same postponed until 10:00 o'clock a. m., next Monday.

HOUSE BILL NO. 101 WITH SENATE AMENDMENTS

Mr. Young called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 101, A bill to be entitled "An Act amending Article 879 and Article 879-b of Chapter 6, Title 13, Revised Criminal Statutes of Texas, 1925, as amended by Acts of the Fortieth Legislature, page 316, Chapter 215, and amended by Acts of the Fourth Called Session of the Forty-first Legislature, page 29, Chapter 19,

providing an open season or period of time when it shall be lawful to hunt, take, or kill wild mourning doves, wild quail of all kinds and wild Mexican pheasants, or chachalaca, in the North and South Zones as such zones are defined in Article 878 of the Revised Penal Code, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Young moved that the House concur in the Senate amendments.

Mr. Caldwell moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

On motion of Mr. Young, the motion by Mr. Caldwell was tabled.

The House concurred in the Senate amendments to House Bill No. 101 by the following vote:

Yeas—98

Adamson	Harris of Archer
Adkins	Head
Aikin	Herzik
Alexander	Hodges
Alsup	Hofheinz
Atchison	Hoskins
Beck	Howard
Bourne	Huddleston
Bradbury	Hunt
Broyles	Hunter
Burton	Hyder
Butler of Karnes	James
Cagle	Jones of Falls
Caldwell	Jones of Runnels
Calvert	Jones of Shelby
Canon	Jones of Wise
Celaya	Keefe
Clayton	King
Colquitt	Knetsch
Colson	Lange
Craddock	Latham
Crossley	Lemens
Davisson	Leonard
of Eastland	Lotief
Dunlap of Hays	Lucas
Dunlap of Kleberg	Mauritz
Dwyer	McCalla
England	McFarland
Fox	McKinney
Frazer	Moffett
Fuchs	Moore
Gibson	Morris
Glass	Morrison
Graves	Newton
Gray	Nicholson
Hankamer	Patterson
Hanna	Quinn
Hardin	Reader

Reed of Bowie	Tennyson
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roark	Waggoner
Roberts	Walker
Russell	Wells
Rutts	Westfall
Smith	Wood of Montague
Stanfield	Worley
Steward	Young
Stovall	Youngblood
Tarwater	

Nays—7

Dickison	Palmer
Fain	Spears
Holland	Wood of Harrison
Lindsey	

Present—Not Voting

Bergman	Settle
Daniel	Stinson
Fisher	Venable
Luker	

Absent

Ash	Lanning
Bradford	Leath
Butler of Brazos	McConnell
Collins	McKee
Cooper	Morse
Cowley	Olsen
Davis	Padgett
Davison of Fisher	Payne
Dunagan	Petsch
Ford	Pope
Good	Reed of Dallas
Greathouse	Riddle
Harris of Dallas	Roane
Hill	Rogers
Jackson	Scarborough
Jefferson	Shofner
Jones of Atascosa	

Absent—Excused

Duvall	Fitzwater
Farmer	Hartzog

AUTHORIZING CERTAIN CORRECTIONS IN HOUSE BILL NO. 178

Mr. Luker offered the following resolution:

H. C. R. No. 108, Instructing Enrolling Clerk to make certain correction in House Bill No. 178.

Whereas, House Bill No. 178 has passed the House and Senate; and

Whereas, Said bill contains several typographical errors; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to make the following corrections: Omit the "comma" after

the word "unlawful" in line 1, and omit the "comma" after the word "him" in line 6; add the word "floods," after the word "controlling" in line 13; omit the word "to" preceding the word "the" in line 14; add the word "ditch," after the word "slough" in line 20; add a "comma" after the word "streams" in line 24; and omit the "comma" after the word "rivers" in line 26, on page 2 of the engrossed bill.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 71. The following have been appointed on the part of the Senate: Senators Poage, Rawlings, Martin, Pace, and Hopkins.

H. J. R. No. 5, Proposing an amendment to Section 1-a of Article VIII of the Constitution of the State of Texas, exempting three thousand dollars (\$3,000) of the assessed taxable value of all residence homesteads, as now defined by law, from all State, county, city, town, district, and other political subdivision purposes, etc. (With amendment.)

H. J. R. No. 19, Proposing an amendment to the Constitution to provide a system of old age pensions under certain requirements. (With amendment.)

The Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 320. The following have been appointed on the part of the Senate: Senators Martin, Small, Cotten, Sulak, and Duggan.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 46 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 46, Proposing an amendment to Article IV of the Constitution of the State of Texas so as to authorize courts having original criminal jurisdiction to suspend the imposition or execution of sentence and to place the defendant on probation, under such regulations as the Legislature may prescribe; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation thereof; and prescribing the form of ballot.

The resolution was read second time.

Mr. McCalla offered the following amendment to the resolution:

Amend House Joint Resolution No. 46 in Section 1 by striking out the words "before or" after the word "power".

The amendment was adopted.

Mr. McCalla offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 46 by inserting between the words "probation" and "under" the following: "and to re-impose such sentence," and by striking out the word "regulations" and inserting in lieu thereof the word "conditions".

The amendment was adopted.

House Joint Resolution No. 46 was then passed by the following vote:

Yeas—107

Adamson	Dickison
Adkins	Dunlap of Hays
Aikin	Dwyer
Alexander	England
Alsup	Fain
Atchison	Fisher
Beck	Fox
Bergman	Fuchs
Bourne	Gibson
Bradbury	Glass
Broyles	Graves
Burton	Gray
Butler of Karnes	Greathouse
Caldwell	Hankamer
Canon	Hanna
Clayton	Harris of Archer
Colquitt	Hodges
Colson	Hofheinz
Craddock	Holland
Crossley	Hoskins
Davis	Howard
Davison of Fisher	Hunt
Davison	Hunter
of Eastland	Hyder

Jackson	Quinn
James	Reed of Bowie
Jones of Runnels	Reed of Dallas
Jones of Wise	Roach of Angelina
Keefe	Roach of Hunt
King	Roane
Lanning	Roark
Latham	Roberts
Lemens	Rogers
Lindsey	Russell
Lotief	Rutta
Lucas	Settle
Luker	Shofner
Mauritz	Smith
McCalla	Spears
McConnell	Steward
McFarland	Stinson
McKee	Stovall
McKinney	Tennyson
Moffett	Thornton
Moore	Tillery
Morris	Venable
Morrison	Waggoner
Morse	Walker
Newton	Wells
Nicholson	Wood of Harrison
Olsen	Wood of Montague
Patterson	Worley
Payne	Young
Pope	Youngblood

Nays—1

Hardin

Absent

Ash	Huddleston
Bradford	Jefferson
Butler of Brazos	Jones of Atascosa
Cagle	Jones of Falls
Calvert	Jones of Shelby
Celaya	Knetsch
Collins	Lange
Cooper	Leath
Cowley	Leonard
Daniel	Padgett
Dunagan	Palmer
Dunlap of Kleberg	Petsch
Ford	Reader
Frazer	Riddle
Good	Scarborough
Harris of Dallas	Stanfield
Head	Tarwater
Herzik	Westfall
Hill	

Absent—Excused

Duvall	Fitzwater
Farmer	Hartzog

HOUSE JOINT RESOLUTION NO. 47 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 47, Proposing an amendment to Section 52 of Article III of the Constitution of Texas, by

adding thereto Section 52-a, providing the Legislature may provide by law for the levying and collecting of taxes, other than ad valorem taxes, by counties and cities of the State for furnishing relief to unemployable citizens of the State, and providing that the Legislature is authorized to make grants of public moneys, other than those collected by ad valorem taxes, to counties and cities by aiding in furnishing relief to unemployable citizens of the State.

The resolution was read second time.

Mr. Lucas offered the following committee amendment to the resolution:

Amend House Joint Resolution No. 47 by striking out all below the resolving clause and insert in lieu thereof the following:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding a new section to be known as Section 51 (d):

"Article III, Section 51 (d). The Legislature shall have the power to pass such laws as may be proper for the furnishing of relief to needy and indigent unemployable citizens of this State and to levy taxes, other than ad valorem taxes, for this purpose."

Sec. 2. That Article III of the Constitution of the State of Texas be amended by adding a new section to be known as Section 52 (a):

"Article III, Section 52 (a). The Legislature shall have the power to provide by law for the levying and collecting of taxes by the counties, cities, and/or towns of the State, other than ad valorem taxes, for the furnishing of relief to needy and indigent unemployable citizens residing in such counties, cities, and/or towns."

Sec. 3. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas, on August 24, 1935, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words: "For the amendment to the Constitution empowering the Legislature to provide for the relief of needy and indigent unemployable citizens of this State"; those voters opposing said amendment shall write or have printed on their ballots the words: "Against the amendment to the Constitution em-

powering the Legislature to provide for the relief of needy and indigent unemployable citizens of this State."

Sec. 4. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election, and to have the same published as required by the Constitution and amendments thereto.

Sec. 5. The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

Mr. Lucas offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 47 by adding the following at the end of Subsection (a):

"The provisions of this Subsection (a) of the Constitution shall be null and void at the expiration of a two-year period after adoption by the electorate."

The amendment was adopted.

Mr. Lucas offered the following amendment to the committee amendment:

Amend committee amendment to House Joint Resolution No. 47 by adding the following at the end of Subsection (d):

"The provisions of this Subsection (d) of the Constitution shall be null and void at the expiration of a two-year period after adoption by the electorate."

Mr. Spears offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Joint Resolution No. 47 by adding at the end of Subsection (a) the following:

"No general sales tax shall be levied upon the people for this purpose."

SPEARS,
WOOD of Harrison,
JAMES.

Mr. Lotief offered the following substitute for the amendment by Mr. Spears:

Amend House Joint Resolution No. 47 by adding the following:

"Provided no sales tax of any kind shall ever be levied upon necessities of life."

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 114, to the Committee on Revenue and Taxation.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 408

On motion of Mr. Russell, the following conference committee report on House Bill No. 408 was ordered printed in the Journal:

Committee Room,

Austin, Texas, May 2, 1935.

Hon. Walter Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee appointed to adjust the differences between the House and the Senate on House Bill No. 408, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto:

"H. B. No. 408,

A BILL

To Be Entitled

An Act to amend Article 2350, Title 44, Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 290, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Act of the Forty-third Legislature, First Called Session, Chapter 83, page 220; and so as to provide the salaries of county commissioners in certain counties; providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2350, Title 44, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 290, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Act of the Forty-third Legislature, First Called Session, Chapter 83, page 220; be, and the same is hereby, amended so as to hereafter read as follows:

"Article 2350. In counties having the following assessed valuations, respectively, as shown by the total assessed valuations of all properties certified by the county assessor and approved by the commissioners court, for county purposes, for the previous year, from time to time, the county commissioners of such counties shall each receive annual salaries not to exceed the amounts herein specified, said salaries to be paid in equal monthly installments, at least one-half, and not exceeding three-fourths, out of the road and bridge fund and the remainder out of the general fund of the county; said assessed valuations and salaries applicable thereto being as follows:

Assessed Valuations	Salaries to be paid each Commissioner
\$6,000,001 and less than \$10,-000,000 not to exceed.....	\$1,400
\$10,000,001 and less than \$13,-000,000 not to exceed.....	1,600
\$13,000,001 and less than \$20,-000,000 not to exceed.....	1,800
\$20,000,001 and less than \$30,-000,000 not to exceed.....	2,250
\$30,000,001 and less than \$78,-000,000 not to exceed.....	2,400
\$78,000,001 and less than \$130,-000,000 not to exceed.....	3,400
\$130,000,001 and less than \$150,000,000 not to exceed...	3,600
\$150,000,001 and over.....	4,200

In counties having assessed valuation of less than \$4,500,000, each commissioner shall receive five dollars (\$5.00) per day for each day served

as commissioner, and a like amount when acting as ex-officio road superintendent in his commissioner's precinct, provided in no event shall his total compensation exceed nine hundred dollars (\$900) in any one year.

In counties having assessed valuation of more than \$4,500,001 and less than \$6,000,000, each commissioner shall receive five dollars (\$5.00) per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his commissioner's precinct, provided in no event shall his total compensation exceed twelve hundred dollars (\$1,200) in any one year."

Sec. 2. The salary of each county commissioner and each county judge may be paid wholly out of the county general fund or, at the option of the commissioners court, may be paid out of the county general fund and out of the road and bridge fund in the following proportions: County judge not to exceed seventy-five per cent (75%) of such salaries may be paid out of the road and bridge fund, and the remainder out of the general fund of the county, and each county commissioner's salary may, at the discretion of the commissioners court, all be paid out of the road and bridge fund; provided this section shall not apply except in counties where the constitutional limit of twenty-five (25) cents on the one hundred dollars (\$100) is levied for general purposes.

Sec. 3. The commissioners court, at its first regular meeting each year, shall, by order duly made and entered upon the minutes of same court, fix the salaries of the county commissioners for such year, within the limits as provided for in this Act.

Sec. 4. That all laws, both general and special, or parts of laws, both general and special, in conflict with the foregoing Act be, and the same are hereby, expressly repealed; provided, however, that in all counties having a population of not less than 14,588 and not more than 14,800, according to the last available Federal Census and each available census thereafter, and a valuation of over sixty million dollars (\$60,000,000), according to the last approved tax roll for county purposes, each precinct commissioner shall be entitled to receive a salary not in excess of three thousand dollars (\$3,000) per annum, payable in equal monthly installments.

Sec. 5. If any section, clause, sentence, or other part of this Act shall for any reason be declared unconstitutional that shall not affect in any way the constitutionality of the remaining provisions hereof.

Sec. 6. The importance of simplifying the laws now governing the salaries of the various commissioners of the several counties of the State creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and said rule is suspended, and this Act shall take effect from and after its passage.

Respectfully submitted,

DAVIS,
BURNS,
COTTEN,
PACE,
SHIVERS,

On the part of the Senate;

RUSSELL,
WESTFALL,
HANKAMER,
ADAMSON,

On the part of the House.

NOTICE GIVEN

Mr. Howard gave notice that he would, on the next legislative day, move to take up, for consideration at that time, the motion to reconsider the vote by which House Bill No. 914 failed to pass, which motion to reconsider was heretofore spread on the Journal.

ADJOURNMENT

Mr. McKee moved that the House adjourn until 9:30 o'clock a. m., next Monday.

Mr. Lanning moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Quinn moved that the House recess to 7:30 o'clock p. m., today.

Question recurring on the motion by Mr. Lanning, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—72

Adamson
Aikin
Alexander
Alsup
Atchison
Bourne
Bradbury

Bradford
Burton
Cagle
Celaya
Craddock
Crossley
Daniel

Davis	Moffett
Davisson	Moore
of Eastland	Morris
Dunlap of Hays	Morrison
England	Morse
Fisher	Newton
Fox	Padgett
Fuchs	Pope
Graves	Roach of Hunt
Greathouse	Roark
Harris of Archer	Roberts
Herzik	Rogers
Huddleston	Rutta
Hunt	Settle
Hunter	Shofner
James	Stanfield
Jones of Runnels	Stinson
Jones of Shelby	Stovall
Jones of Wise	Tarwater
King	Thornton
Knetsch	Tillery
Lanning	Venable
Latham	Waggoner
Leath	Walker
Lemens	Wells
Luker	Wood of Harrison
Mauritz	Wood of Montague
McCalla	Young
McConnell	Youngblood
McFarland	

Nays—51

Adkins	Hoskins
Beck	Howard
Bergman	Hyder
Broyles	Jackson
Butler of Karnes	Jones of Atascosa
Caldwell	Jones of Falls
Calvert	Lindsey
Canon	Lotief
Clayton	Lucas
Collins	McKee
Colquitt	McKinney
Davisson of Fisher	Nicholson
Dickison	Olsen
Dunagan	Palmer
Dwyer	Patterson
Fain	Payne
Frazer	Quinn
Gibson	Reed of Bowie
Glass	Roach of Angelina
Gray	Russell
Hankamer	Smith
Hanna	Spears
Hardin	Steward
Head	Westfall
Hodges	Worley
Hofheinz	

Absent

Ash	Good
Butler of Brazos	Harris of Dallas
Colson	Hill
Cooper	Holland
Cowley	Jefferson
Dunlap of Kleberg	Keefe
Ford	Lange

Leonard	Riddle
Petsch	Roane
Reader	Scarborough
Reed of Dallas	Tennyson

Absent—Excused

Duvall	Fitzwater
Farmer	Hartzog

The House, accordingly, at 5:20 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Banks and Banking: House Bill No. 930.

Live Stock and Stock Raising: Senate Bill No. 493.

Military Affairs: Senate Bill No. 501, and House Bill No. 995.

Revenue and Taxation: House Bill No. 944.

The Committee on Contingent Expenses filed an adverse report on House Simple Resolution No. 130.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 46, Proposing an amendment to Article IV of the Constitution of the State of Texas so as to authorize courts having original criminal jurisdiction to suspend the imposition or execution of sentence and to place the defendant on probation, under such regulations as the Legislature may prescribe; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation thereof; and prescribing the form of ballot,

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 832, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes, 1925, as amended by the Acts of the Fortieth Legislature, page 335, Chapter 228, and Article 5142-a, Acts, 1931, Forty-second Legislature, page 759, Chapter 302; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties and authorities; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 2, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 27, A bill to be entitled "An Act authorizing and requiring the governing board of The University of Texas, the Agricultural and Mechanical College of Texas, the State Teachers Colleges, the College of Arts and Industries and the College of Industrial Arts at Denton to establish and maintain at each institution under the control of such board a bookstore, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 9, Proposing an amendment to Section 26 of Article III of the Constitution of Texas by adding thereto Section 26-a, providing that under no apportionment shall any county be entitled to more than seven (7) Representatives, unless the population of such county shall exceed

seven hundred thousand (700,000) people; providing for the apportionment in counties of more than seven hundred thousand (700,000) people; providing for its submission to the voters, as required by the Constitution, and making an appropriation therefor,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 834, "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Montgomery County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 102, Fixing the date of sine die adjournment of the Regular Session of the Forty-fourth Legislature at 12:00 o'clock noon, May 11, 1935,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 704, "An Act authorizing any city having a population of more than one hundred and sixty thousand (160,000) inhabitants to own, operate and maintain, construct, improve and enlarge an airport and for such purpose to borrow money and issue warrants payable from taxation and further payable from the revenues

of such airport; providing the form and contents of such warrants; limiting the amount of warrants which may be issued by any city to not more than one hundred and twenty-five thousand dollars (\$125,000); providing that no election shall be necessary to authorize such warrants, but that the city shall comply with the provisions of Chapter 163, Acts of the Forty-second Legislature; providing for the levying of a tax for warrants issued pursuant to this Act and providing how said tax may be reduced; providing that fees and other charges shall be made for the use of such airport which shall produce revenue sufficient to pay the principal and interest of such warrants and provide for the expenses of operation and maintenance of such airport; providing that the city may lease any portion of such airport; declaring that the acquisition and operation thereof are a public purpose; providing that such warrants shall be approved by the Attorney General and registered by the Comptroller; providing that this Act shall supersede any other law or conflicting charter provision; providing a saving clause, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, May 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 104, Suspending Rules Nos. 22, 23, and 32 until House Bill No. 27 is disposed of,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

SIXTY-THIRD DAY

(Saturday, May 4, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker Adkins
Adamson Aikin

Alexander	Keefe
Alsup	King
Ash	Knetsch
Atchison	Lange
Beck	Lanning
Bergman	Latham
Bourne	Leath
Bradbury	Lemens
Bradford	Leonard
Broyles	Lindsey
Burton	Lotief
Butler of Karnes	Lucas
Cagle	Luker
Caldwell	Mauritz
Calvert	McCalla
Canon	McConnell
Celaya	McFarland
Clayton	McKee
Colquitt	McKinney
Colson	Moffett
Craddock	Moore
Crossley	Morris
Daniel	Morrison
Davis	Morse
Davison of Fisher	Newton
Davisson	Nicholson
of Eastland	Olsen
Dickison	Padgett
Dunagan	Patterson
Dunlap of Hays	Payne
Dunlap of Kleberg	Petsch
England	Pope
Fain	Quinn
Fisher	Reader
Ford	Reed of Bowie
Fox	Reed of Dallas
Frazer	Riddle
Fuchs	Roach of Angelina
Gibson	Roach of Hunt
Glass	Roark
Good	Roberts
Graves	Rogers
Gray	Rutta
Greathouse	Settle
Hankamer	Shofner
Hanna	Smith
Harris of Archer	Spears
Head	Stanfield
Herzik	Steward
Hill	Stinson
Hofheinz	Stovall
Holland	Tarwater
Hoskins	Tennyson
Howard	Thornton
Huddleston	Tillery
Hunt	Venable
Hunter	Waggoner
Hyder	Walker
Jackson	Wells
James	Westfall
Jefferson	Wood of Harrison
Jones of Atascosa	Wood of Montague
Jones of Runnels	Worley
Jones of Shelby	Young
Jones of Wise	Youngblood